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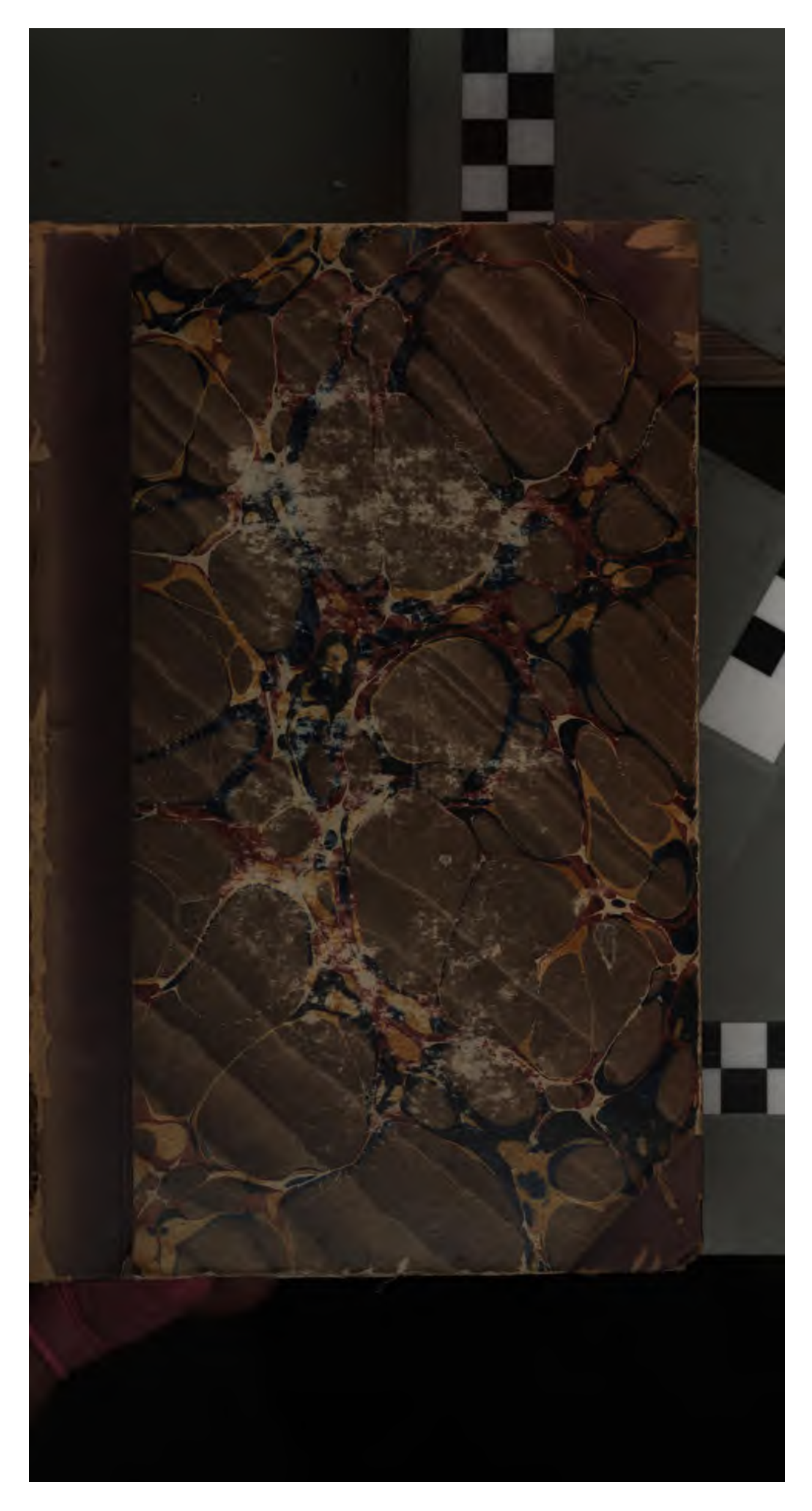

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THE

BRITISH AND FOREIGN REVIEW;

OR,

EUROPEAN QUARTERLY JOURNAL.

"In primisque hominis est propria veri inquisitio atque investigatio."
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1. *Works of Art and Artists in England.* By G. F. Waagen, Director of the Royal Gallery at Berlin. 3 vols. 8vo. Murray. 1838.
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WITHIN fifty years the love of art has been gradually disseminated in this country; in proportion as civilization has advanced, the desire to accumulate works of different schools has kept pace with the increase of wealth among the mercantile classes; but neither the love of art, nor the desire of possession, has been allied to cultivated taste and competent knowledge: and the vanity that induced the wealthy collector to prefer the name of a great master to the possession of genuine pictures, calculated to gratify the taste and improve the mind, has led to a system of deception and robbery, somewhat checked, but still practised to a great extent.

That fact has long made an impartial and judicious critical catalogue of the principal galleries of our country a *desideratum*. Mr. Waagen's volumes by no means fulfil all that is required; but they must be considered as the commencement of a system of criticism which will tend to purify the taste of collectors, excite their caution, extend their knowledge, and consequently diminish the *positive* and *negative* deception too generally practised on them. It will also have a tendency to improve native modern art, by bringing it critically into juxtaposition with the productions of the masters from the fourteenth to the seventeenth centuries.

Much has been written on the superiority in conception, colouring and execution, of the ancient masters. To trace the causes of that superiority, would be entering on a curious metaphysical and philosophical inquiry not immediately connected with the objects of the work, or of our remarks; nevertheless we cannot dismiss so interesting a point without a few cursory observations, which may lead the reader to farther reflection.

Those masters whose works are distinguished by their sublimity and beauty were all the subjects of an ecclesiastical government, which sought, by every external representation, to enthral the minds of its votaries, instil a belief of its legends, or imprint its own interpretations of Scripture, the words of which were veiled from the greater number of its devotees in an unknown tongue. No sooner was the art of painting revived, than its powerful influence on the senses was used among a highly susceptible people; its effects were soon perceived to be beneficial to ecclesiastical authority: the chief possessors of the wealth of the country were the ecclesiastics, and whatever talent for art wealth could command was hired and rewarded. There can be no doubt the artists were excited, and that in many, feelings of ardent piety warmed and elevated the imagination, while the hand obeyed and enabled them to embody forms which seem to breathe of heaven and ecstasy. Others melted into tenderness at the history of the infancy of the Redeemer, and, blending that feeling with adoration and piety, delighted to delineate the Virgin and her celestial offspring in every conceivable position. Some, whose minds were of a yet higher stamp, dared to soar

"*extra flammantia mœnia mundi,*" and paint the blessed and the damned, the angelic and satanic hosts, the communion of saints, and even (weak and presumptuous folly!) to embody the incorporeal and eternal Creator. The causes leading to that enthusiasm which called into highest action mental faculties necessary to portray those subjects with such force, tenderness, truth, grace, and elevation of sentiment, no longer exist in the country in which they had their origin, and never existed here; consequently, the *same* effects have not been produced.

It must be admitted, that the mind of the poet or the painter, at the time of conceiving that which is either sublime or beautiful, is in a high and elevated state corresponding with the subject and the conception. The minds of those who now pursue the profession of painting have not deteriorated with the progress of our nature; they are not less sincerely pious, they are not less capable of mental exaltation; and yet the best among them are many degrees below a Raphael, a Michael Angelo, a Correggio, a Guido, and a long list besides. The inferiority is to be accounted for, not by presumptuously declaring the natural inferiority of the men, but by the simple fact, that the same causes have not excited and controlled them, and stimulated them to study with perseverance and humility; while religious sensations, whether correct or false matters not, led the ancients to select the finest subjects, which, when painted, they knew would be displayed in their churches, and make known their names to admiring nations.

Times are changed, and we must not even hope—for it would only lead to disappointment—that the artists of England, in the highest departments of art, will ever rival the masters of Italy.

Some feeble but well-intentioned attempts have been made to foster historical painting in England; among these the British Institution is most prominent,—an institution founded for the express purpose of encouraging living British historical painters. The method of effecting that end is so droll, that it may be useful to mention it. The directors give a few prizes, principally for single figures, to which some scriptural name is attached by the painter; and they have purchased, at very high prices, a bad picture by Parmegiano, entitled the 'Vision of Ezekiel'; a very poor specimen of Sir

Joshua Reynolds, called *a riposo,* representing a weak-headed old man, a slovenly English peasant girl, and two children, the carnation on one of them indicative of a recent infliction; and lastly the Veronese, 'the Consecration of St. Nicolas,' which is a fine example of the master. These pictures were bought with the funds of an institution raised expressly for the support of British historical painters, and presented to the National Gallery for the purpose of supporting and encouraging those *living* (starving) historical painters! Perhaps the 7000*l.* thus expended would have advanced the arts much more by judicious purchases of works designed and painted by our own artists. The noble picture of St. Peter released from prison, by Hilton, would have been a greater and more attractive ornament than either the Parmegiano or Sir Joshua, and at a much less cost. The same inane system, as far as relates to our living artists, has been adopted by the trustees of the National Gallery, who have made a law *never to recommend the purchase of any work painted by a living artist!* Such absurdity scarcely deserves a comment. Certainly, it may diminish the trouble and responsibility of the trustees, but it must damp that honourable ambition which would induce our artists to strive for and attain so high a distinction. All that has hitherto been done towards the formation of a national gallery, or a great school of painting, has been marked by feebleness of conception, and more than weakness in all its details. Pictures have been purchased, at high prices, of little intrinsic value; and opportunities have been lost, which a cycle of centuries cannot recover. Among the latest and most flagrant has been the loss of the five thousand drawings left by Sir Thomas Lawrence. Those *grammars of art* were refused in the first instance, when offered by Sir Thomas's executors to the Government, and were subsequently purchased by Messrs. Woodburn, for 20,000*l.* These gentlemen are, without doubt, the greatest merchants of works of art in this country, and made evident, by their purchase of the whole collection, both their mercantile tact and their critical knowledge.

They were creditors of Sir Thomas Lawrence's estate to the amount of many thousand pounds; and therefore, by concluding the purchase with his executors, secured in great measure the payment of their demands. It was known that

the matchless collection had been purchased by them, and that they were sincerely desirous that it should be kept entire and deposited in this country; and to secure that object we know, in their subsequent negotiations with the Government, they offered to sacrifice at least 2000*l.*, proving their disinterestedness and real love of art. In 1836 the Chancellor of the Exchequer opened a negotiation with Messrs. Woodburn, which was protracted amidst dawdling and delay for fifteen months; when a memorial, signed by several hundred artists, amateurs, connoisseurs, and other persons, was presented to the Treasury, and led to the appointment of a commission, composed of the Hon. H. Wellesley (perhaps the most competent judge in Europe), Mr. Josi of the British Museum, an officer of the Government versed in that particular line of art, and Messrs. Hilton, Howard and Eastlake. Messrs. Wellesley, Josi and Eastlake, however, valued them; and that collection of five thousand drawings, which Messrs. Woodburn had offered to the Government for 25,000*l.*, was estimated by those gentlemen at 35,000*l.* It is true that, in the first instance, Messrs. Woodburn had required 5000*l.* profit on their purchase, which, considering the nature of the property, the great risk, and the outlay of capital, was not more than they were entitled to expect. Much vexatious trifling on the part of the Government and the trustees of the National Gallery was practised on Messrs. Woodburn, until their patience was nearly worn out. The Raphael and Michael Angelo sets of drawings were valued at 13,500*l.*; the Government offered 12,000*l.*, which being refused, they advanced *a shilling in the pound*; and this so disgusted the proprietors, that they requested to be no longer considered as bound to withhold the sale of their property, which was of course granted. In six days after the restraint was removed, they sold a portion of the drawings by Raphael, Correggio, Michael Angelo, Vandyke and Rubens, for more than the sum they had been offered by the Government for the whole of them. His Royal Highness the Prince of Orange this year gave Messrs. Woodburn 12,000*l.* for less than one-fourth of the Raphaels and Michael Angelos, and a few of the other masters. The collection is irretrievably broken up; only 3500 of the drawings are remaining in their hands.

40,000*l.* will certainly be obtained for what the nation might have purchased for 25,000*l.*

Drawings, as we have remarked, constitute the grammar of art, and tend more than even the finished productions of masters to form the mind and hand of the painter: drawings not only exemplify the industry of the greatest masters, and the gradual manner in which they wrought out their first ideas, but their method of constructing their compositions, as well as their sense of the necessity of a knowledge of anatomy and of the relative actions of muscular motion. One drawing by Raphael commenced with the skeleton of the principal figure in the intended attitude; then the skeleton was covered with the muscles, flesh, veins, etc.; and lastly, the same figure was completed, with appropriate drapery, and the effect of light and shadow. From that drawing of Raphael our artists might have learnt what a man of true genius thought was necessary to produce a delineation, as perfect as his art would permit him, of his conception.

It is highly improbable that another opportunity will occur to possess ourselves of such inestimable treasures of art; and we have only to remember that the loss and the disgrace are to be laid to the charge of those whose duty it was to have secured them for the nation.

The same puny system has prevailed in the regulations for the purchase of pictures. No specified sum is placed at the disposal of the trustees every year; but if any work of art is strongly recommended, a memorial must be sent to the Treasury, which is followed up by an application for the amount to parliament: the delay and the system effectually prevent merchants and others from negotiating with the trustees, as the doubt and perplexity are not to be compensated by the price demanded. In some instances pictures of the highest quality have been peremptorily refused, for what reasons we are unable to say. Two of the finest works by Salvator Rosa—Diogenes casting away his cup when he saw the boy drinking from the hollow of his hand, and Heraclitus sitting amidst the remnants of mortality—were offered by the Earl of Lauderdale on the part of the late Dowager Marchioness of Lansdowne, to the trustees of the National Gallery, and refused: the same individual who had the chief voice in rejecting them purchased

them for the Marquess of Westminster for 1400*l.* If they were worthy to be placed in the Grosvenor gallery, they would have been ornaments to the national collection. Since that time a much larger sum has been paid for a second-rate specimen of Salvator, of a very inferior subject, than was required for the two noble pictures above mentioned. The prices paid for other pictures show a total want of discrimination. '*La Vierge au panier,*' a little Holy Family by Correggio, cost the nation 3800*l.* Laperrière, during the time the picture was in his possession, completely excoriated it, by cleaning off the whole surface, patina, glazing, tones, and all; and left the mere ghost of a weakly-conceived, badly-designed, inferior picture of the master, worth but little as a work of art, and which inspires the amateur with no high or even pleasurable sensations, and the connoisseur with regret and disgust, at the destruction of the only part which rendered it valuable, and at the barbaric ignorance of the destroyer.

Notwithstanding that the 'Agony of Christ in the Garden' has turned out to be a copy from Correggio, and some other works to be of little consideration, the Angerstein Gallery was not a dear purchase, and would realize the sum paid for it even at a public auction. Not so the purchases from Mr. Hamlet the jeweller: the 'Bacchus and Ariadne' of Titian is not worth more than the half of the 5000*l.* paid for it; and the Poussins, on account of their indelicacy, should never have been placed in a public gallery. When first-rate works of a great master are to be procured, it matters not if the nation pays the highest price for them, rather than they should be lost to us. On those grounds, the purchase of the two Correggios from the Marquess of Londonderry may be justified.

Mr. Waagen says (p. 51, vol. i.) that he "is surprised to find "a copy of the celebrated Mill in the Doria palace given out "as original." This condemnation is hasty, and we think incorrect: had the author carefully examined that picture, he would have discovered that a great part of the foreground has been destroyed, and coarsely and weakly restored; while the middle distance, the background and the sky, have suffered less, —the last glazings only having been taken off; which has produced a hardness of texture, approaching in appearance

to the handling of the best copies of Claude by Studio Van Lint. We think that doubts may be entertained both as to the subject and authorship of the picture entitled 'Christ disputing with the Doctors,' and attributed to Leonardo da Vinci. The picture was presented to the nation by Mr. Holwell Carr, and certainly, as Mr. Waagen observes, bore that title when in the Aldobrandini collection. Yet it may be questioned whether the title or the name of the master are correct. Our Saviour, when he disputed with the Rabbis in the Temple, was about twelve years old: in this picture is represented a young man of about twenty, splendidly attired, with the finger of one hand on the second finger of the other; behind him are several persons, one of them with the *lunette* on the front of his cap, indicating a *priest of Isis.* The age of the principal figure accords with that of Joseph; the splendid raiment, the dress which it was necessary for him to be arrayed in when in the presence of Pharaoh, and the position of the fingers enumerating the number seven, seem rather to show that the subject is intended to represent Joseph interpreting the dream of Pharaoh; and the priest of Isis, with the symbol of that Egyptian deity, is corroborative of this view. We agree with Mr. Waagen that it is not a work by Leonardo da Vinci, but we disagree with him in considering it by Bernardino Luini; the peculiar weakness of texture and smoothness of surface, the timidity of the outline, and the small size of the heads of the subordinate figures, rather point out the master to have been Andrea Solario. The picture was cleaned and restored by Piazzetti, and so sedulously worked on, that it has lost much of its force, all clearness of colour, and appearance of authenticity.

The raising of Lazarus by Sebastian del Piombo is without doubt the finest Italian picture in the gallery. It is not generally known that the right thigh, knee, and leg of Lazarus, as well as several other but subordinate parts, were nearly destroyed, and so finely restored by West as almost to defy detection. Fuseli, whose wits were always in a state of conceited fermentation, when raving about the drawing of the Lazarus, and particularly of that knee and leg, little thought that West, whom he hated, abused, and was jealous of as an artist, was the painter who with kindred feeling and

talent had matched in the drawing of Michael Angelo and the colouring of Piombo. It is to be deeply regretted that many fresh worm-holes have lately appeared on the surface of this noble picture. Colonel Thwaites, the courteous and careful keeper of the gallery, who seems never to be for a moment unmindful of his responsibility, and whose taste and knowledge qualify him for a higher situation, has expressed much anxiety on the reappearance of the worm-holes, and is most desirous of discovering some method of stopping the ravages of the insect. Perhaps a very weak solution of the sulphate of copper, washed over the back of the pannel, in accordance with Mr. Margary's patent, would destroy them effectually, and for ever prevent any damp or mildew from becoming a *nidus* for future reproduction of them. Every artist, whether he paints on wood or canvas, should insist on its being so prepared, as it will ensure the picture against decay or the effects of damp.

The Murillo lately purchased is a very splendid specimen of the master: the conception of the subject is not elevated, and the personification of the Creator absurd: the harmony of colour, breadth of effect, and simplicity of expression constitute the attraction. The 'Brazen Serpent' by Rubens, purchased at the same time, had better have been left where it was, and the Malmaison Claude taken in its stead; a picture perfectly pure, which cannot be said of any of the larger works of that master in the collection.

The 'Saint Catherine' by Raphael, the Garofolo, and Perruzzi, purchased of Mr. Beckford for 7000*l.*, are now added to the collection. The price is excessive: the Raphael cost Mr. Beckford 3000*l.*; the Garofolo, 378*l.*; the Perruzzi, 250*l.*; total, 3628*l.*; the trustees of the National Gallery have paid for them 7000*l.*, giving a profit of 3372*l.*, or nearly cent per cent. There would be no objection to the amount if the pictures were worth it. But the 'Saint Catherine' is by no means a first-rate Raphael, either in conception or execution. It represents rather a portrait converted by attitude and strong assumed expression into the character, than the angelic beauty and heroic piety of the Saint contemplating her martyrdom. It, without doubt, contains much gracefulness and fine effect, even in its ruin, for it is little more than one. The

left hand has not one original particle perceptible; the fingers of the right hand are scumbled over, the drawing and articulations of the neck are nearly obliterated or disfigured, and much of the brow and face stippled over. The picture, as a ruined second-class work of that great master, is worth, at the utmost, 1500*l.* The Garofolo and Perruzzi would be dear at 500*l.*, and better works by both those masters are to be purchased for less. For pure and first-rate works of the masters a very large price might be advantageously paid, but 7000*l.* for one beautiful ruin and two third-rate, unimportant pictures is preposterous and unjustifiable. It has been bruited abroad, that 4000*l.* were to be given for Lord Cowley's sketch of a boar hunt, by Velasquez, which last year was seen at the British Institution: it is a curious and masterly sketch, worth about as many hundreds; we therefore trust that so flagrant a misapplication of money is not intended, and that it is a mere report.

The 'Embarkation of Saint Ursula' which was perfectly pure when in the possession of De-l'enfant, has been half-flayed, but is yet "lovely to behold." The 'Landing of the Queen of Sheba' ought to be re-lined immediately, but on no account cleaned. The works by Gaspar Poussin are of a high quality and in fine condition.

It is not our intention to go through the gallery *seriatim*, and we shall conclude our remarks on it by saying, that the rooms, considered as the National Gallery of England, are beneath contempt: they possess neither grandeur nor style. The lights of the two larger rooms are good, and the pictures are judiciously placed to the greatest advantage: the smaller rooms are hardly fit for lumber-places, and, to add to their agreeableness and utility, there is not even a pane of glass in the skylights which can be opened, so that on a hot day the smell and heat are unbearable, and very unwholesome.

Mr. Waagen deplores, when speaking of the collections he visited, the impure and dilapidated condition of a considerable portion of our finest pictures: no connoisseur will differ from him in opinion. It is our duty to try and check this wide-spreading destruction of the master-pieces of painting. We may annoy the possessors of pictures by unceremoniously making public a small portion of what we know: we regret

the temporary vexation we may inflict, but may hereafter rejoice at being instrumental in having put the inexperienced and liberal collector on his guard; and at least at having made known facts, exposing the ignorance and roguery which have a tendency to injure the taste and the trade in works of art.

His Grace of Northumberland has in his collection the celebrated picture by Titian of the Cornaro family. That work was in very fine condition, but smothered with household dirt; it was entrusted to an ignorant coxcomb named Roma to clean. This barbarian set to work, and by using all sorts of solvents succeeded in completely skinning the picture. In the plenitude of his conceit he sent circular notes to the principal nobility and gentry to come to his house, and see the picture restored to its "pristine purity." On a table, ranged in rows, were numerous gallipots: Roma, dressed in the very height of the fashion, was expatiating on his achievement, pointing out the beauties of the picture, and with a clouded cane directing attention to the gallipots as containing the layers of dirt and repaint which he had removed. West, who had been watching him in his usual patient way, at last broke out with this exclamation, "Wretch, you have ruined one of the noblest of Titian's works, and the gallipots contain all his tones, all his glazing, which no one but Titian can restore." He then indignantly quitted the room, leaving Roma and his admirers to digest the bitter truth as they pleased. Time has done something towards concealing the horrible excoriation, but the Cornaro family is only the shadow of the noble picture painted by the hand of the greatest master of the Venetian school.

All picture-cleaners are members of the Skinners' Company; some of them are more distinguished for their destructive skill than others, but none are wholly innocent. A considerable number of the pictures in the royal collection have been flayed; we only remember one, and that a Claude, of all those exhibited in the British Institution which could be considered pure. Who the distinguished member of this Skinners' Company was to whom our sovereigns are indebted for such wanton barbarity is not known; probably there have been several equally guilty. Great skill has often been exhibited in the reparation, obliteration of parts, and repainting of pictures. The landscape by Claude purchased by Mr. Perkins

at a sale of Mr. Zachary's pictures was generally repaired, and the whole of the middle distance altered and repainted, by Mr. Ramsay Reinagle, for which he received one hundred pounds. The picture has been subsequently exhibited in the British Institution. Though the touch has been tolerably well mimicked and the tones well blended, it is beginning to become opaque, as all reparation does after the lapse of a few years.

A Hobbema, purchased for a large sum by Sir Robert Peel, representing a straight road, and avenue of lofty trees with stems from which the lower limbs have been lopped, had much of the background and sky obliterated, and repainted also by Mr. Reinagle, so that the picture may be said to be painted by Hobbema and Ramsay Reinagle. A manuscript detailing the whole of the transaction is among our 'curiosities of art'; it even recounts the details of the purchase: Mr. Reinagle was merely employed by the proprietors at a stipulated price to make the alterations. Such deceptions have a tendency to deter the wealthy from collecting. Mr. Waagen, by his careless criticism on this picture, shows that he is by no means infallible: after describing the composition, he continues, "From these simple and by no means fine materials "a picture is formed, which, by the purity of the taste for "nature and by the power of art, makes a striking impression "on the intelligent spectator. Such an universal brightness, "such daylight, I had never seen before in any picture. To "a strict observance of the perspective, there is added such a "delicate and true gradation, from the fullest bright green in "the foreground, that it may be considered in this respect as "a *ne plus ultra*, and is on the whole one of the most original "works of art with which I am acquainted." Mr. Waagen probably had no suspicion of the tricks which had been played with the picture, and spoke of the effect produced,—which is as complimentary to Reinagle as to Hobbema. In the same exhibition at the British Institution was a little picture entitled Ruysdael, which had been painted about three years before by Reinagle!

Among the most atrocious destructions of late years was the flaying and dissection of the two celebrated Claudes now in the possession of Mr. Miles of Bristol, who had them from Mr. Hart Davis, who purchased them of Mr. Beckford of

Fonthill. West and Sir Thomas Lawrence called together at the house of the distinguished flayer to whom they had been entrusted to clean; the servant inadvertently showed them into the room where those exquisite pictures were—actually excoriated, the ground apparent in several places, the foliage in many parts totally obliterated, and all the surfaces for ever destroyed! The *cleaner* entered the room; the mild, courtier-like Lawrence was for once enraged, and exclaimed, "I see, Sir, we have been where we were not wanted; and I "am sorry, for this destruction (pointing to the Claudes) will "deprive me of my rest." West, who was a man of great command of temper, stood, as he was wont when angry, working his closed lips; then looked at the destroyer as he said, "Sir, you deserve to be flayed as you have flayed those pictures." The conceited varlet, with a simpering grin, replied, "Oh, gentlemen, it is nothing—all *very* easily put to rights." "Yes," rejoined West, "when you can get Claude to come from his grave and do it, but not before." The two mortified artists immediately left the house.

The head of 'Christ crowned with Thorns,' by Guido, formerly in the collection of West, and then in a perfect state, now in the possession of Mr. Samuel Rogers, has been cruelly deteriorated by having had the whole surface cleaned away, and all the toning mercilessly destroyed; fortunately the *drawing* has not been injured. When the present Mrs. Margary, West's granddaughter, saw the picture in the British Institution, she uttered an exclamation of surprise and vexation, and, notwithstanding the assurances to the contrary of Mr. Seguier, made him feel that her fine taste and correct eye were not to be deceived. *Palmam qui meruit ferat.* There is, in the possession of Mr. Raphael West, a copy of the picture by a Miss Hay, who copied it inch by inch with such extraordinary and minute precision, that it was almost impossible to tell one from the other; so that the original tone may still be seen, and even the extent of injury ascertained, by comparing them. It was the patient work of nearly a whole year. West, with his usual liberality, purchased the copy.

Many of the pictures in the Bridgewater gallery came from the Orleans collection, and were at the time of the ac-

quisition far from being in good condition; the recent infliction of the cleaner has only increased the devastation. When we consider the high taste of Lord Francis Egerton, we cannot but wonder at his strength of nerve, in permitting the fingers of one of the despoilers to touch the surface of any of his pictures. Mere dirt can always be removed, without the use of the detestable caustic mixtures in common use. The courteous liberality of Lord Francis Egerton in opening his gallery on fixed days for several succeeding weeks, the liberal prices paid by him for works of art, and his generous and noble pàtronage of native talent, must make every one regret if the slightest injury be done to any work of art he possesses. We rejoiced to see in his Lordship's gallery the exquisite picture by Guido formerly in the possession of Mr. Watson Taylor: the conception is elevated, the feeling influenced by religion, consequently the characters rising in expression to celestial purity, and endowed with the force which would emanate from a subdued and pious fervour. No one can contemplate that picture and not feel its hallowing influence on the mind; it attracts the attention, then imperceptibly leads the soul to the contemplation of heavenly things. It is usually called the 'Ascension of the Virgin.' Was that the subject intended to be represented? There may be some foundation for thinking, that whenever the crescent is beneath the feet of the ascending female figure, and twelve stars around her head, that it is a representation of the preservation of the religion of the old and new covenants, typified by the woman in travail who fled from the persecution of paganism, or the dragon, into the wilderness: the crescent beneath her feet is typical of the Jewish ceremonial, which was regulated by the changes of the moon; while the twelve stars are symbolical of the tribes of Israel; and the child she was anxious to bring forth and preserve was the Saviour of the world. That appears to be the subject, treated with simple dignity and pathos. There are pictures of higher grade as works of art in the collection, but none more attractive than the Guido. Why that picture was not purchased by the trustees of the National Gallery, it would be difficult to conjecture. The price was about one-fourth of the sum paid for the 'Bacchus and Ariadne,' and nearly one thousand

pounds less than the price of a very indelicate, uninteresting, second-class picture by Nicolo Poussin, and about half the amount of a weak and unattractive picture by Sir Joshua Reynolds. If we are to have a national gallery, it would only accord with common sense, either to place a specified sum every year at the command of the trustees to expend in accordance with their judgment, or to facilitate their application to parliament for the sums required. The prices paid for the pictures purchased since the first acquisition of Mr. Angerstein's collection have been preposterous, excepting for the two Correggios from the Marquess of Londonderry, and the Murillo lately obtained. Either from the supineness of the trustees, or the difficulty in obtaining the money through the treasury and parliament, we have lost the opportunity of adding, at very fair prices, several fine pictures, in addition to the Guido now in the possession of Lord Francis Egerton. We will enumerate a few fine examples of masters, which have either been sent out of England, or purchased by wealthy individuals.

'The Beheading of St. Catherine,' by Guercino, a clear, beautiful and affecting picture, which a Mr. Higginson purchased from Mr. Tomkinson for, we believe, 350*l.* 'Europa carried off by the Bull,' by Guido, from the Altemira collection, a picture of the highest class of the master, and in a perfect and pure condition; it was in the possession of that highly respectable dealer Mr. Peacock for several years. A 'Holy Family,' by Bellini; a Mother and Child with a Lily, by Carlo Dolce, from the collection of Mr. Gilmour in Portland Place; and also a cabinet picture, by Correggio, of angels ministering to the infant Christ while reposing during the flight with Mary and Joseph into Egypt, a gem of the highest quality and purity, and worth as many of '*La Vierge au panier*' as would stand in the length of the gallery,—were purchased by Mr. Wynne Ellis. Of the first four masters there are no specimens in our National Gallery worth mentioning, excepting a small one by Guercino, of 'Angels weeping over Christ'; those were all of the highest water. The Bellini, Carlo Dolce, and Correggio, with one more, were purchased for 1200*l.* The Correggio is worth double the whole amount; and if valued comparatively with the little

ghost of a picture for which 3800*l.* were paid, must be worth a much larger sum. 'The Adoration of the Magi,' by Bonefaccio, perhaps the finest of his works, and which is almost worthy of the name of Titian, might have been (and perhaps may be now) purchased of Mr. Fradelle for 200*l.* 'The Deluge,' by Annibale Carracci, a sublime picture, much finer than one of the same subject by the same master in the Louvre, is remaining unseen at Mr. Peacock's, and also the great and finely-finished picture, by William Vandervelde, of the 'Fight in Solebay.' It would be easy to mention many more, but enough has been said to show that no consistent and efficient measures exist to ensure the formation of a gallery worthy of England. To rely upon gifts is preposterous. The pictures presented lately by the Duke of Northumberland are not worthy a place in a fine gallery, and we regret that his Grace ever sent works so low in art and so wholly uninteresting.

Some misnomers have recently been much dwelt upon in the public papers. There is a want of independence on the part of the trustees in permitting, if they know better, false names to be given to pictures. The difference between Watteau and Lancret is so evident as not to be worthy of discussion; the works of Parterre are much nearer to Watteau. A large and fine work by that master was purchased a few years since by Mr. Broadwood, the brewer, for a Watteau, at Christie's rooms, and which puzzled sadly the pseudo-connoisseurs. Watteau was Titian "in little," with a bag-wig and sword on, and the airs and graces of the court of France. Parterre resembled him about as much as our provincial gentry resemble in their manners and bearing the true and high-bred aristocrat. Lancret was a class lower, yet Watteau's name was blazoned on his pictures. 'Ermenia and the Shepherds' has re-assumed its true name of Annibale Carracci instead of Domenichino, which it bore for some years. Nicolo Poussin's name is attached to a picture of Minerva turning Phineus and the revellers into stone, by Romanelli. 'Venus restraining Adonis' is not by Titian, and not in our opinion a copy, but one of the four pictures painted from the same sketch, with some variation in each, by Titian and his three pupils. The picture by Titian, and which was in the Or-

leans collection, is a splendid work, much larger than the others; and, though injured, it has not been flayed. Mr. Fitzhugh, of Bannister's Lodge near Southampton, who purchased it at the sale of the Orleans gallery, was a man of too much knowledge and taste to allow any of the barbaric tribe to touch it. The picture of the same subject, and which may be termed the second, was by Moroni, and for many years in the possession of West. The third, by Titian's nephew, is in the collection of the Emperor of Russia. The fourth, probably by Pordenone, is the work attributed to Titian in our gallery. There is also a copy by Angiusciola Sophonisba in the Dulwich gallery.

The authenticity of works of art is a point to which too much importance is attached. It is desirable, that the authenticity of a picture as well as of a poem, or any literary production, should be known; but to refuse a place in our libraries to works of high merit, because the author's name is unknown, would be looked upon as emanating from imbecility; the same condemnation may be justly attached to the rejection of a fine work of art by an unknown pencil. If a picture be finely conceived, and contain true and beautiful expression, with corresponding execution, it matters but little who produced it. The highest essentials of art must attract and improve the spectator and the student, whether painted by a master enrolled on the lists of fame, or to whom the motto, selected by Junius, may be applied, "*Stet nominis umbra.*" There is a picture of equivocal *authenticity*—but without any doubt original,—in the possession of Mr. Atherstone, of a Magdalene who has thrown herself on the ground beneath a rocky cavern, and is giving way, in silent sorrow, to repentance: the last gleam of twilight, with solemnity of tone, accords with the subject; the subdued and homely tones of the drapery and foreground are in harmony of sentiment as well as in colour, and at once command admiration. What matters who painted this beautiful picture?—Place it in a gallery surrounded by works all known as authentic, and it will stand pre-eminent, and command the attention and praise of the severest connoisseur, and of the amateur of the most fastidious taste. So dependent is judgement on those conventional laws which rule the amateur merchant and the

mere dealer, that this pure and almost unrivalled picture has neither been sought for by the trustees of the National Gallery, nor purchased by any collector. It would be insulting to speak of such a picture in comparison with the late acquisitions by Garofolo and Peruzzi, or even with Lord Cowley's 'Velasquez';—it is, as a work of art, worth acres of them. Why have we not rejected Homer, and the book of Job, because their authenticity is equivocal? The absurdity is as applicable to a work of art whose author is unknown.—The production should be judged, and not the name. Men are never weaker than when they dispute about sounds, and forget ideas; when they grasp at the shadow, and reject the substance.

Mr. Waagen was not aware when at Holkham that he was not far from Rainham, where, amidst a great number of second-rate pictures, he would have found the 'Belisarius,' by Salvator Rosa,—a picture above all criticism, and which alone is sufficient to have ensured him the fame attached to his name. Within a few miles, at Yarrow, the seat of Lord James Townshend, he would have seen the full-length portrait of General Townshend in armour, by Sir Joshua Reynolds, which, in grandeur, composition and colour, would compete with the Duke of Aremburg, by Vandyke, at Holkham, or the 'Belisarius.' No work by Sir Joshua is finer, and it is so esteemed by the worthy proprietor that George the Fourth in vain attempted to induce him to sell it. Among the *chefs-d'œuvre* of this great master may be classed 'St. John in the Wilderness,' which was brought from Italy by Mr. Griffier Fagel in 1742, and transferred by him to the Hykering family. The figure of the Baptist is of the life-size, begirt with camels' hair, firmly drawn, finely moulded, and with a wild and high expression; his right arm is extended as if summoning listeners to his "cry," who are screened by a rocky bank; his left hand holds the cross. Behind him rises a wild and mountainous scene, and in the middle distance a stream of rushing water breaking over a rocky bed. The picture is so pure that it possesses the clear and enameled surface, so seldom remaining, as well as every sharp and meaning touch, and all the blending grey tones of the sky. There is no doubt of this picture being of greater value than

the one formerly Lord Durham's, and which was purchased for the nation of Mr. Byng. The 'St. John' is in the possession of Mr. William Collett, and is at Grafton House, in Worcestershire.

The facilities afforded by our noble and old families to examine their collections are all that can be desired, and enable the connoisseur to increase his knowledge, improve his taste, and estimate the condition and quality of the works of art scattered throughout the kingdom, and probably to direct the taste or excite the caution of new collectors. It would be very easy, from memory, to write some account of the greater part of the pictures of any master now in England, and state the general condition of them; but the limits of a periodical will not permit us to indulge in such discursive amusement beyond a certain extent. The Claudes at Holkham are magnificent, and with good judgement the Earl of Leicester has not permitted any member of the Skinners' Company to put his destroying fingers on them. When we last saw them, the two larger examples were beginning to look as if they required re-lining, then merely clearing-off with turpentine, and carefully varnishing. The Earl of Radnor's Claudes are suffering from want of care and cherishing, which all pictures require from time to time. Lord Francis Egerton's are noble pictures, and, as contrasts, are hardly to be equalled. The Marquess of Westminster has several of as many different degrees of merit; a little octagon picture is the highest in quality, and the purest. Mr. Jeremiah Harman, a profound connoisseur, and a man of the highest and purest taste, has two works of that master, of the most attractive character and in fine condition.

In the royal collection are several examples, but the greater number of them are mere wrecks, having been gradually destroyed by successive picture-cleaners. The 'Europa' and a small deep-toned sea-view are among the best of them. Mr. Hornby possesses the two which were in the possession of Mr. Glover. The 'Sunset' is a very lovely picture, and not in bad condition, though it has been stippled on in some few places. The Duke of Devonshire has some beautiful specimens, as well as the '*Liber Veritatis.*' Mr. Higginson purchased the Malmaison picture, which combined the most

varied tones and harmony with perfect purity. As we observed before, that example should have been purchased instead of the Rubens, notwithstanding the national collection is rich in the productions of the master. Claude finished his pictures by repeated glazings, by toning, and some mixture of clear colour, not oil, or distemper, which is certain of being destroyed if once the lowest coat of varnish is removed.

The pictures painted by Raphael are few in number, for he died early, and occupied much of his time in designing many great compositions which he worked on in *fresco*. The circular picture of the Holy Family, with the Palm Tree, in the possession of Lord Francis Egerton, is without doubt a work of that incomparable painter, though, particularly in the subordinate parts, much injured. '*La Belle Vierge*' is a beautiful ruin; her face and expression, and some small remnants, lead to the inference that it once might have boldly claimed Raphael for its master. We think Mr. Waagen decidedly in error in saying that, with "some inconsiderable "chips in the wood, which have been filled with paint, the "picture is in excellent preservation." The whole superficies of the picture has been taken off by the destroyers, excepting the face of the Virgin, which has been less roughly treated. Little more than the dead colouring remains, with some attempts at glazing away the mischief which had been perpetrated. In such an *atélier* as Raphael's his pictures were often copied; oftener, copies were prepared by his assistants, which he worked on and finished, virtually making them his own. This picture we conceive to be one thus produced, and to have had very nearly the whole of Raphael's finishing taken away, and the work of the assistant left. The picture of the Virgin with the Child on her lap, which was formerly in the Orleans collection, and transferred by Haguin from panel, as Mr. Waagen observes, is sadly injured and painted over; after carefully examining the whole surface, it appears to be a picture which has been painted over in many places unnecessarily, and which an artist like Mr. Fradelle, who was instructed by Piazzetti in perhaps the safest system of cleaning, might remove, and much of the original be restored to view. The examples at Earl Cowper's and the Duke of Marl-

borough's are amongst the finest in England. Mr. Hornby, who has purchased with great taste and judgement, possesses two undoubted specimens by Raphael, one painted rather in the style of Perugino, and with a material of which the ablest judges are not able to tell the exact nature. The clearness of the colour, the delicacy of the tones, the exquisite surface, the almost evanescent blending of the tints, render it a curious, beautiful and pure example of a style of which the material and the vehicle are unknown. The subject is the 'Woman with the Alabaster Vase of Ointment': the depth of humility, purity, and simplicity in the character and expression are at once so refined and intense, as to require a little careful study and examination before they are fully felt and understood: the hair, unbound and falling over, adds to the effect, while the clearness and finely adapted key of colour are in perfect feeling with the subject and conception. This valuable and undoubted gem was turned out of the collection of Mr. Wynne Ellis at the suggestion of some tasteless and ignorant pretender, whose mind never rose above the contemplation of a Janstein or a Hemskirk. It was admirably transferred from a worm-eaten panel by Mr. Bentley of Sloane Street. The other head in Mr. Hornby's choice cabinet collection is the portrait of the same female that Raphael afterwards painted in '*La Vergine della Seggiola*,' and is more in the manner of Fra Bartolomeo; it appears to be several years younger than she is represented in that picture, and is in every respect equal to it: though the wood is much worm-eaten, we are glad to be able to pronounce the picture to be in fine condition. The Marquess of Lansdowne, Mr. Miles of Leigh Court, and Mr. White, have each portions of the 'Pedrella' painted by Raphael for the nuns of St. Antonio. Mr. Wynne Ellis has a very elaborate picture, two figures and St. Barbara, painted when the master was emerging from his Perugian to his Florentine manner. This work is replete with grace and beauty, though not so positive in style as might be wished, but very curious, as the landscape is produced with the same clear material as the 'Woman with the Alabaster Vase of Ointment,' and the remainder of the picture is nearly in the Florentine manner. This picture is in good condition, excepting in some subordinate portions of the drapery, which

were stippled on by Piazzetti. The name and date constitute the golden border of the edge of the drapery; the date we cannot specify, as too much difficulty has been found in obtaining access to Mr. Ellis's collection. Fine copies of the works of Raphael are scarce, and when they can be obtained collectors should secure them. Mr. Ellis had one of the much-injured pictures at Lord Francis Egerton's, of great beauty, and evidently copied by an artist who felt the grace and soul displayed in the original; it was discarded because it was a copy. If any attempt is ever made to remove the load of repaint from the original, that copy would be eminently serviceable, as it must have been made before the original was so despoiled and disguised. The finished study of one of the mothers' heads in the 'Murder of the Innocents' was burnt in Mr. Yates's gallery. Perhaps the most important design of this great master is the 'Resurrection of Lazarus,' in the collection of Mr. Jeremiah Harman: this work is in *fresco*, and was cut from the wall of the church Trinita del Monte at Rome by order of Napoleon, and captured on its way to France. It is more than probable that it was designed in competition with the Michael Angelo and Sebastian del Piombo in our National Gallery. Although much smaller than that picture, it conveys a grander idea of the subject, from the characters being more elevated and historical, and an impression being produced on the mind without any apparent effort on the part of the artist, or the least deviation from the scale of proportion, to impress by fictitious means what should be a result from the delineation of a great conception. That fiction in art has been practised in the Sebastian del Piombo, by the Lazarus being delineated of gigantic proportions; and it must be deemed an error and a weakness. The fine, pure, and chastened taste of Raphael never permitted him to stoop to such expedients. The pathos, as might be expected, is more touching in the *fresco*, and the figure of the Redeemer of the world is beyond all comparison superior in conception and expression. The whole composition bears the stamp of having emanated at once from his mind. It would be going further than we could justify to ourselves, if we were to speak decidedly as to the colouring being throughout the work of Raphael; in some parts it has

much of the fluidity of Perino del Vaga. Mr. Harman's taste and knowledge secured and preserved this noble work. A year, under his own correct eye, was consumed by a very careful artist in gradually removing the dirt and revealing its beauties, until it shone in all the severe grandeur in which it was conceived and executed. If Raphael could have chosen a protector of his work, he could not have selected one more worthy to become so than its possessor, whose natural taste has been so highly cultivated, that he seems to live at times with the kindred spirits by whose productions he is surrounded. Only two copies of it have yet been discovered; one in an old missal, the other on a panel of some antiquity, but evidently the attempt of a mere tyro. There is also in Mr. Harman's collection a Cupid's head in *fresco* by Correggio, of superior power, and very pure.

So much has been written on the Cartoons, that it would be a waste of words to merely recapitulate any part of the observations and suggestions of the various writers. Mr. Waagen's account of them is very meagre; his opinions and critical observations judicious, and evincing much genuine taste. The best and fullest account extant of these works is to be found in "Cartonensia," by the Rev. W. Gunn, B.D., who has with much diligence and research exhausted the historical part of the subject, and, in language classical and refined, descanted on their merits in a manner worthy of the subject. There may yet be hopes of more of the Cartoons being found. What is become of the 'Murder of the Innocents,' which was in Prince Hoare's collection? The evidence is in favour of Cleen's copies in tapestry being among the masses of things stowed away at Hampton Court and other palaces.

However critical Mr. Waagen's remarks may be on the "handling" of Raphael, it appears that he has allowed his admiration to obscure his technical knowledge. Raphael was never celebrated for his execution. He possessed, in the highest degree, the great and essential qualities of an intellectual and ideal painter; his conceptions were always equal to the subject he intended to delineate. When they were selected from Holy Writ, he portrayed them with all the dignity, grace, sweetness, or force, that an elevated genius, influenced by religion, had mentally embodied. His expres-

sions were never forced or affected, never homely or vulgar, never uncertain or unmeaning; but always true, elevated, positive, and perfectly adapted to the moment chosen to be represented; and this witchery was not obtained by an execution forcible, rapid and decided, but by a gentle certainty, as if his feeling, his will and his hand were acting in unison, and, like a sunbeam, spreading life and light without apparent effort or ostentation, but with unerring power.

Some have presumptuously affirmed, that Raphael was not a colourist. What is meant by the declaration, it would puzzle these pseudo-critics to explain. He understood, as will be shown, the true principles of pictorial colouring, which have never been yet intelligibly and clearly laid down, but which are to be ascertained by a careful study of his works and the works of other great masters, particularly those of the Venetian school.

It should be always remembered that, whether the colouring be rich, or deep, or strong, or delicate, it must be referable to certain principles on which harmony depends; the character of the colouring should always accord with the subject, or the full impression desired to be produced by the artist can never be attained. How great would be our surprise if the words of a song of melting sorrow were to be sung to a jig or a droll tune! It would be as preposterous to paint a Magdalen or a pathetic incident in gay and gaudy colours.

On studying the great masters of Italy and Spain, it will be ascertained that they all painted on principles which, when once thoroughly understood by the student, will never be forgotten, and never deviated from but to err. With great judgement their prismatic colours were arranged near the centre of the composition, and each colour precisely the same in scale; from that scale they graduated to neutrals; the opposing colours were of exactly the same scale, and graduated in the same way; the whole under the command of light and shadow. Let the artist construct for himself three scales, side by side, commencing with *one* and continuing to *ten*; let the first scale be red, the second blue, and the third yellow. If he select red, number three, the yellow and blue must be number three: to make one prismatic colour of number three, and another of any other number, would instantly destroy the

harmony. The same rule applies equally to the opposing colours; any one of them not corresponding with the number of the scale of the prismatic colour would injure the harmony and effect. There is no instance in which these principles are not followed by a great master. The scale is formed at the will of the artist, but must be positive. Let any artist, with these principles clearly impressed on his mind, study any of the great works of Italian or Spanish art, and he will own the correctness of our remark, and be ever afterwards acquainted with the principles which were practised by the old masters, and brought to their highest perfection by the leaders of the Venetian school. It is a curious fact, that the precise materials used by them, as well as the vehicle (by us called *megylph*), have been lost, which is the reason why the pictures of modern artists want the beautiful surface and clear impasted texture of the pictures from even the fourteenth century to the decline of art in Italy. Those masters of the Dutch and Flemish schools who studied in Italy, learned what were the vehicles, and at the same time imbibed the true principles, of colouring; and neither Rubens nor Vandyke are found to err against these rules of harmony. In the French school, Poussin, Philip Champagne, Jouvenet, Mignard, and even Le Brun, practised the principles we have given, with more or less accuracy. Rembrandt and his school, Van Cuylen, Vander Helst, and many more, with great truth of local colouring and exquisite blending of tints, trusted to their knowledge of *chiaro oscuro* for producing striking effects, rather than obtain the same force by a fine combination of prismatic, opponent, graduated, and neutral colours. Some of the masters we have named, for instance Van Cuylen (commonly called Cornelius Jansen), and Quellinus, who often had a stone-blue coloured background, depended on the truth of their local colours and exquisite finish and handling; and have seldom ventured beyond them. Whenever a picture is painted without due attention to the principles of colouring, it is never effective by candlelight, while every fine Italian work displays itself by night, and that in the exact degree in which the principles are most distinctly manifested. The English collector should imprint that fact on his memory, as our climate does not shine with the same lustre as that of Italy or Spain, and our win-

ters are long, and most of the hours of relaxation are passed in the evenings within our own homes, where the beautiful and effective pictures of the intellectual and ideal schools must add to the beauty of the dwelling, and have some influence on the mind.

Of the Dutch and Flemish schools, there are very few masters whose works produce any effect excepting in broad daylight, and then the greater number, being merely homely matters of fact, soon cease to please. The vulgar, the indelicate and unmeaning we exclude at once, as being only fit to be hung up in rooms where the inmates are as vulgar and unmeaning as the pictures. We are constrained to say, that most of our collections are disgraced by some such pictures, and that a low taste in art has been the cause of an inundation of such works, and of their becoming the most marketable commodity.

If a collector be desirous of possessing specimens of the Dutch and Flemish schools, and should reject every picture which is tinctured with indelicacy and vulgarity, he will, notwithstanding his fastidiousness, find enough which are unobjectionable. The same remark is applicable to the Italian school. The mere display of the human form does not constitute the objection, but the evident *animus* of the painter and the subject. If it were so, sculpture would be too often objectionable; but to the pure-minded, sculpture brings no ideas but those connected with the sublime, the beautiful, or the ideal. There is a point which in that art must not be transgressed, or, with our national notions, the statue would be inadmissible. With the increase of wealth, and the facility of accumulating works of art, the taste of the nation has gradually risen, and is now progressing, as well as the knowledge of the executive part.

With the exception of a few indifferent painters of portraits, the nativity of painting in England may be dated from about the time when Vandyke, under the auspices of royalty, gave the first, and as yet the greatest, specimens of portrait painting ever executed in this country. Weesop, a countryman, was his real rival, and many fine pictures of that master have been attributed to Vandyke. Myttens, Dobson, Walker, Lely, Kneller, and others followed, each deteriorating as he was

more distant from the time of that great master. Some copies by Mary Beale, mellowed by time, and not first disfigured and then disguised by the cleaners, require a very practised eye to detect. A copy of the portrait of Henrietta Maria, with her name and the date of the year in which it was copied, is the finest extant of that queen. The one at Windsor is a mere pallid spectre of the original, which could only have been reduced to its present deplorable state by the sedulous cruelty of some long defunct early member of the Skinners' Company, with soap and sand-paper. Hogarth, the most original painter in his line of any age or country, redeemed for a time the English school from utter contempt. He was an artistic dramatist, then and still unrivalled; his subjects were selected from the most prominent vices of his age. They were conceived with the mental power of a stern, sarcastic, humorous and moral dramatist, who evidently refrained from weakening the force of his conception by descending to buffoonery. As a picture can only represent one moment of action, and as his conceptions were too extended to be delineated at once, he painted in a series his moral tales. He is one of the greatest masters of expression, and so accurate an observer of human characters, that in his adaptations he never errs. His whole subjects were clearly composed in his mind, then the separate parts carefully arranged, so that each successive part might be so connected as consecutively to convey the whole story to the spectator, and leave the moral impression he intended. From any one of his series a novelist might compose a tale, and describe the minutest adjunct without taxing his own imagination. His drawing is firm and usually correct, his execution positive, free, and every touch producing the desired result. There is generally an unpretending breadth in his effects; and so high is his genius, that his conceptions, expressions, characters, compositions and execution, are apparently without effort,—in other words, he produces with facility, power and truth, what another cannot effect with any degree of study. His perception of colours appears to have been weaker than usual. He never attempts combination of harmony; his colours are local, and, taken separately, are true; his tints delicate, and carefully blended: but his pictures produce their effect from their in

trinsic merit in the highest departments of art, without the assistance of the inferior yet most captivating aid of colouring. All his pictures, with the exception of 'The Election,' seem, at a little distance, to be painted in *fresco*. His works were in advance of his age, and he received only 110*l*. for the six pictures of 'Marriage *à la mode*.'

The sea-pieces of Scott are not sufficiently appreciated; they are not common, and inferior works have been attributed to him. His works are in style between the dryness of the elder Vandervelde and the coarse effects of Cornelius Vandervelde, the nephew of William. Scott delighted in representing the grand and the terrible;—his effects are selected with great poetical feeling, and produced with masterly breadth and truth to nature. His works are usually palmed off as William Vandervelde's English pictures. In the British Institution in 1838 was a superb picture belonging to Lord Francis Egerton, by W. Vandervelde; and above it, to the left, a 'Storm,' full of poetry, attributed to him, but by Scott: the former is known to have been painted in England, so that the difference can be seen and remembered. Scott was often dusky and brown in his colouring, a defect which a red ground and time have not improved. Brooking approaches him, but as yet Scott is the best of English marine painters. George Reinagle gave high promise; his delineation of a ship in the regions of perpetual calms, and his 'Indiaman struck by Lightning' in a lurid atmosphere, where the winds seem all imprisoned in heavy but varied clouds, which send forth arrowy lightning on the helpless vessel floating on the sullen and silent sea, are worthy of the highest praise, whether the conception only or the feeling and mechanical dexterity be considered. He lived beloved, and died lamented in the prime of life. He was accidentally in the battle of Navarino, being the guest of Captain Martin, and was seen in the heat of the action looking through a port-hole and making memorandums for a picture of the fight!—It is curious that so great a maritime nation should never have produced or fostered a master of that line of art. Had Copley Fielding followed the first branch instead of the second, the hiatus in some respects might have been supplied. At this moment we have no marine painter approaching mediocrity.

Mr. Waagen's account of the English school is meagre, unsatisfactory and partial. It is evident that his knowledge and opinions are second-hand. He draws his conclusions, and sums up his estimate of artists from a cursory examination of some of their pictures, and those by no means the best. It would be as just to estimate Shakspeare by Pericles or Venus and Adonis, or decide on the originality of the mind of Milton by the noble paraphrase of Alcon by Baldassare Castiglioni, entitled Lycidas, as of the powers of an artist by some of his youthful and inferior works. Mr. Waagen dismisses Sir Joshua Reynolds with a few flimsy remarks, and without even a reference to pictures which are justly celelebrated. Reynolds possessed fine taste, the sentiment *du beau*, and that knowledge of human character which enabled him to give to every portrait the highest expression the person was capable of attaining; but his conceptions were limited, and the few pictures of historical and poetical subjects which he attempted bear the marks of great perplexity and effort. The 'Infant Hercules,' in the royal collection at St. Petersburgh, is perhaps the best of those attempts, being drawn with more vigour and conceived with more certainty than either the 'Death of Dido' or the celebrated 'Ugolino.' 'Macbeth and the Witches' is a positive failure. His 'Infant Academy' is not an original conception, but copied, nearly *literatim*, from a vignette in an old French work which we have seen, but of which we forget the title. 'Garrick between Tragedy and Comedy' is perhaps the most unexceptionable of his compositions. Reynolds can never be placed in the first class, because his conceptions were very limited, and never soared beyond a middle flight but to descend rapidly into that sphere from which he had risen with so much toil and uncertainty,—because his drawing was generally weak, and often incorrect, and because his power of expression was confined to individuality. To him must be given the meed of having raised from the very dust the art of portrait painting, and supplanted meretricious colouring by a pure, chaste, and harmonious system, which remains as yet unequalled in the English school.

Mr. Waagen condemns West as a mechanical painter; and, by the following words, makes manifest the origin of his pre-

judice, which, like most other prejudices, has its foundation in utter ignorance. "Partly at his [West's] instigation, the "infant plant of the English school of painting was shut up, "in the year 1768, in the hot-house of an academy; and his "works in this gallery prove that he was the real model of "the president of such an institution, who, by his example "and teaching, clipt betimes with his academical shears, ac-"cording to prescribed rules, the wild, luxuriant growth of "the young plants. The truth of the words, 'The letter "kills, the spirit gives life,' is rendered manifest by these "pictures." In that paragraph are serious inferential charges against a great and good man, and it is our duty to defend him against an attack at once libellous and weak. When the arts of England were in their infancy, a nursery and a protector were necessary for their preservation. West suggested the establishment of the Royal Academy to George III., who, from proper motives, immediately entertained it. West, with his characteristic nobleness of nature, refused to be the first president, and solicited His Majesty to select Sir Joshua Reynolds, who, after some demur, the details of which are of no consequence, accepted it. From that hour the arts and artists of England became objects of national concern, and have gradually risen in public interest, until they have become a part and portion of the objects cherished by the people. The concentrated facilities for instruction and study, the emulation called forth, and the advantages of union are felt and understood. No institution is perfect in its line of proceeding; selfishness, vanity, the assumption of authority, and sometimes palpable injustice, and much oftener littleness of conduct, will be evident. But all those sins, we think, have been more rife since the death of West than they were before in the Royal Academy; and until some powerful-minded, independent academicians sternly reform the practices which have crept in, they will continue, and perhaps increase, though a Haydon may scribble his rhapsodies, or even a genius like Martin scornfully condemn them. One half of the schism and squabbling arises from the fact of academicians, under the influence of vanity in a state of acetous fermentation, thrusting as many pictures as they can into the best places, though the greater number of them are miserable portraits which are only fit to

cover the walls of a garret or amuse the rats in a lumber-room. We have known the 'Deluge,' by Martin, hung in a dark corner level with the floor of an outer room, while acres of mere daubing were insulting the public taste by being placed level with the eye. It has often been our fate to be compelled to hunt after, and stoop most disagreeably, to find and look at works of real promise. If the persons appointed to select and hang the pictures are really judges of merit, they are guilty of gross injustice to the artist, and of flagrant impertinence to the public, to attempt to keep from approbation works of superior talent; if they are tasteless and ignorant, or envious or spiteful, they are unfit for the situation they hold. No artist should be allowed to exhibit more than two portraits, and only one of them should be in a superior situation. No picture should be hung within four feet of the ground; and, for the benefit of the artist, every picture intended for sale should have the price marked in the catalogue. To return from this digression, we may succinctly observe that the abuses which have crept in and grown strong in the Royal Academy Mr. Waagen uningenuously attributes to the founders.

West was a man of real genius, of a truly noble nature, and would as soon have thrown away his pencil as have "clipt the wild, luxuriant growth of aspiring talent." Such aspirants were somewhat of kindred spirits, and not only was his gallery open to them, but his best, his sincerest and earnest advice—and often, too often for his own comfort, his purse.

Mr. Waagen, from two by no means superior pictures of West, at once denounces him as a mechanical painter. He has mistaken hardness of texture for mechanical conception and execution. But the hardness of texture is fast yielding to the effects of time, and some of the works of West's middle period are assuming the surface of the Italian school. No mortal has yet produced, in a long life, a great number of works of any kind of equal merit. West, like other men, had hours of mental power which enabled him to conceive and design with higher aspiration than usual, and it is but just to estimate his powers by the finest, and not by the least successful of his works. In conversation with that estimable and highly-gifted woman Miss Jane Porter, the dogmatical opinion of Mr. Waagen was mentioned, when Miss Porter said, "How

"little he knew of the spirit of that excellent man! I was "looking at his magnificent picture of 'Christ Rejected,' and "was so struck with the combination of passion expressed in "the countenance of the High Priest, that I mentioned it to "West, who directly replied, 'I would not for a great deal "have to paint that expression again,—it made me ill for a "week, for I *always, while painting, become for a time the cha-* "*racter.*'"—A reply which refutes the assertion that he was a mechanical painter. West's execution, *after* he possessed the Guido of 'Christ crowned with Thorns,' now in Mr. Rogers's collection, changed from the careful to the most decided, masterly, and vigorous of modern times. Had Mr. Waagen examined the first picture of 'Lear in the Storm,' the 'Diomed,' the *chiaro oscuro* of 'Moses receiving the Tables,' he would have formed a more correct opinion. Had he seen the 'Destruction of Sodom and Gomorrah,' the 'Madness of Saul,' the 'Landing of Telemachus in the island of Calypso,' he would have said that neither in conception nor execution could any works of a similar character be found superior. Among his finished pictures, the 'Ascension of the Saviour,' now at Petworth, is perfect in colour, equal in design to any master, and containing a hierarchy of angels of surpassing loveliness. The 'Death of Adonis,' the figures of life-size, now in the possession of Mr. N. Ogle, in colour and drawing is worthy to be ranked with the Carracci. During the spring we saw exhibited the picture of 'Christ Rejected.' Let any unprejudiced man contemplate the design of that noble work, and he will say, that he knows not of a picture of the same subject which tells the story so worthily, so completely, in which the expressions are so varied, and among them characters which have never been excelled. Where is there as beautiful and as touching a figure as the Christ? It is not to be found in the Louvre,—it is not in our own gallery, nor in the Bridgewater, nor the Grosvenor, nor at Blenheim. Peter weeping has brought tears to the eyes of many,—the Repentant Thief has been admitted by unanimous consent to be unrivalled,—and that head this mechanical painter, who, according to Mr. Waagen, clipt the wings of aspiring talent with academical shears, delineated and finished within *one hour*! When that picture was first exhibited half a million of people went to

gaze on it. The only mechanical imperfection, a want of softness, arising from our having lost the knowledge of the old Italian vehicle, was overwhelmed by the greatness of the conception, the beauty of the design, and the force with which it came home to every bosom. In short, *the people felt* the highest principles of art, and forgot in their just admiration the want of that softness so admired and valued by those who can neither appreciate conception nor understand the force of high expression, raising the soul to the contemplation of heavenly things. That picture, and the sublime one of 'Moses receiving the Tables,' should be added to our National Gallery; they would there, as the great artist intended, become a means of religious and moral instruction to the people, and worthily represent the master. The *two* might be acquired for the same sum which was paid for the 'Bacchus and Ariadne' of Titian. It is pleasing to state that some of West's finest pictures are improving by time: the 'Paul and Barnabas' has gradually assumed a surface and patina similar to the Italian school. But West, like many others, is becoming a prey to the cleaners. Mr. Neeld has allowed some of his best pictures to be *cleaned*, and they have destroyed the whole of the glazing surfaces and left them crude and raw. The 'Raising of Lazarus,' in Winchester Cathedral, the 'Stoning of St. Stephen,' in St. Stephen's Walbrook, 'St. Paul on the island of Malta,' at Greenwich, are yet unscathed, and we trust will remain so.

Not two years ago, in the Canopy-room at Windsor castle, *covered over* with tapestry, were the following works by West: The 'Institution of the Order of the Garter,' 'St. George,' the 'Battle of Cressy,' the 'Battle of Poictiers,' and 'Edward crossing the Saone'! George the Fourth proposed to Sir Thomas Lawrence to send those pictures away: Sir Thomas, to his honour, replied, "I trust Your Majesty will "not so dishonour the memory of the greatest of English "painters; and should Your Majesty wish to have those sub-"jects again painted, there is no artist in Europe who could "produce anything to be compared with them." They were of course permitted to remain, and were subsequently covered over by some critical upholsterer with the tapestry!—Since this article was written we rejoice to hear that they have been

restored to light. 'Death on the Pale Horse' was a year or two since sold for 1200*l.* to an American.

If Mr. Waagen had examined the drawings of West he would not have babbled about "a mechanical artist." As a designer he stands in the same class as Michael Angelo: if he never soars so high as that extraordinary man, he is never so extravagant, or so nearly bordering on caricature. His drawings of 'Moses striking the Rock,' 'Bladud finding the Waters of Bath,' 'Death on the Pale Horse,' the *chiaro oscuro* of the 'Last Supper,' now in Mr. Hornby's cabinet, and many more, are, in certainty, spirit and firmness, equal to the drawings of any of the great masters. The coloured sketch of 'Death on the Pale Horse,' at Petworth, some heartless cleaner has flayed.

It has been the fashion to decry the works of West. The time is near at hand when his finest works will be eagerly sought for, and supplant the half rubbed out unmeaning rubbish and vulgarity of the low Dutch school, and the second-rate questionable pictures, almost in every instance scrubbed out and repainted, of the hundreds of scholars, imitators, copyists and feeble minded masters of the schools of Italy when in their decline. So far was that excellent man from "clipping with his academical shears, according to prescribed rules, the wild, luxuriant growth of the young plants,"—that he instigated them to study nature, to aim at the highest line of art, to remember that every subject should be a lesson, or have at least some point and meaning, and warned them never to degrade the moral dignity of their profession. He was a generous supporter of talent and industry, and was never known to manifest either jealousy or envy, but bestowed hearty and honest praise where he knew it was deserved. He never made an enemy, and never lost a friend. He died lamented and beloved; and a public funeral, at which the highest and most talented in the land thought it an honour to attend, proved to the world the estimation in which he was justly held, both as an artist and a man*.

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* Mr. Allan Cunningham's Life of West proves the writer to have been wholly unacquainted with the man, and as ignorant of the art. In short, the work of Mr. Cunningham, as a guide, is the mere compilation of one who seems to have no perception for the higher orders of art.

Sir Thomas Lawrence, who succeeded him, was, without doubt, a courtierlike and graceful painter; his best portraits will hold their place among the most eminent in that line, but his powers of mind were limited to the delineation of individual grace and beauty. The broadest and most heavenly portrait which in our opinion he ever painted, is of the beautiful Mrs. Dottin, in a large unfinished picture; it looks as if it had been painted with irrepressible feelings of admiration. It is one of his early works. His drawing is flowing, elegant and easy, but possesses neither fire nor marked decision; his execution is clean, careful and never confused; his colouring is, on the whole, effective and harmonious, and seems more the result of a correct sense of the harmony of colour, than that sense cultivated and working on unerring principles.

The English school, with few exceptions, is yet in its teens, and has much of the liveliness, supposititious vigour, conceit, vanity and desire of distinction, which are characteristic of hobydyhoy-ism. Young people or schools seldom consider that those who aim at distinction should first qualify themselves for it. To wear the hair like Raphael, does not possess the magic influence of making the wearer, except in his own conceit, approach nearer to that modest and industrious genius; neither will the cherished moustache or little tuft of hair on the chin catch from the passing gales the truth and power of Vandyke. The public are now too well informed to consider a few scratches and a dab or two of colour as proofs of genius, or that Turner is a painter of history, because instead of Jessica he paints a lady coming out of a mustard-pot. The artists of England too generally appear to believe that excellence is to be attained without labour, and therefore offend good taste and knowledge with works which prove their idleness, their ignorance and their presumption. There are, we are glad to say, many admirable exceptions, and those the public appreciate, though not always to the extent that they deserve. Among these may be mentioned Hilton. Who can forget his 'Comus'? Who has not admired his 'Peter redeemed from prison'? What judge could hesitate to place his 'Murder of the Innocents' as the best picture in the last exhibition of the Royal Academy? Hilton's pictures will, when he has passed away, be sought for, and take their sta-

tion with the works of the masters so admired and valued. He never attempts to impose a crude or half-conceived, slovenly work on the public. His careful drawing, delicate handling, high finish and refined taste, mingled with lofty poetical conception, mark him as a master who ought now to be supported as he will be sought for hereafter.

Wilkie, in his own style, stands unrivalled; had he never painted any other picture than the 'Village Festival,' or 'Distraining for Rent,' he would have immortalised himself. His new style is a dead failure, "a brown horror*;" and 'The First Council' of our Queen looks like a picture in a fainting fit, produced by an artist who had lived for a month on water-gruel. A national petition should be got up to induce this attractive master to reassume his native style and again charm the world.

Edwin Landseer deserves all the praise he has received; but, in return, he owes to his admiring country some greater and higher proof of the talent God has given him, than, with few exceptions, his tame and homely scenes. We heard that he intended to paint Beth Gellert, and had chosen the moment when the child, awakened by Gellert's dying yell, pierced by Llewellyn's hunting spear, had thrown the covering aside, and displayed a gaunt wolf, all torn and dead, which the gallant dog had slain. Such a work from him would meet with due reward, and do credit to the English school.

The best living portrait painters are Mrs. Carpenter and Mrs. J. Robertson. The former manifests qualities which place her in the school of Guido. She has all the sweetness of Sirani, with purer carnations, and finer gradations of tint; her children are always natural and in taste, and even were they not valuable as portraits would be very much so as pictures. We should like to see a portrait of our Queen by her. Mrs. Robertson has studied Vandyke until she has imbibed his spirit. The portraits of the queen hitherto painted are one and all complete failures. Not one gives the fine intellectual modeling of her head—not one even touches the almost intense expression of inquiry often seen on her countenance—not one conveys an idea of the calm repose which, at times,

* The portrait of Lady Lyndhurst at Apsley House is an exception, and approaches the tone and vigour of Velasquez.

is so marked. Sully, the American, has painted the most ladylike picture of her, and Lane has made the most elegant drawing, and withal a resemblance of her. Chalon's drawing is like a little George III. in petticoats; his large picture, engraved by Cousins and published by Moon, is better, but the drapery overbalances the composition, and it is but a feeble likeness. George Hayter, who painted the 'Trial of Lord William Russell,' one of the finest pictures of the English school, has painted one picture of Her Majesty, just suited to the lord mayor, aldermen and common council. The other in the '*Dalmatic Robes*' has been announced in the 'puff preparative,' *ad nauseam*;—it is without doubt an elaborate effort, and very superior to his first attempt; but the expression is rather forced, the position of the head not the most graceful, and giving a coarseness to the nose wholly at variance with the refinement of the original: the hands however are well drawn, particularly the left, and the colour of the flesh tints is clean and pure. The face is too full and pursy, and the eyes want the intensity of expression which characterize them; the details are carefully made out and painted, and the colours taken separately are decided; but from the want of exactness in the key, and graduation to the background, the picture is deficient in harmony and effect. It is, however, the best which has been painted of Her Majesty, excepting Sully's, and very superior to Wilkie's.

All our artists have disappointed the nation in their delineations of our sovereign, with one exception. The medal by William Wyon is *a masterpiece of art*; the outline is graceful, firm, flowing, and so true, that those who know the form of her head, and the contour of her features, neither wish for nor expect anything more perfect.

In the second class of art, England can certainly boast of several painters whose works will live. Wilson and Gainsborough are as yet unrivaled. Callcott is always true to nature and replete with taste, but he confines himself to the calm and lovely; he never soars to the heroic, or even attempts to transcribe the grander effects in nature: he might be termed the halo of Claude; his works contain what emanates from that master, without the force, the brightness, or the aërial mysticism of that enchanter's pencil.

T. S. Cooper promises to work his way to the class adorned by Potter, Cuyp, and Berghem, without being a servile imitator of any of them; his pictures would adorn any gallery in Europe.

Turner in early life painted some excellent pictures; but even in his best works, as the 'Sacrifice at the Temple of Apollo,' now in Mr. Wynne Ellis's collection, the execution wants refinement, and there is a straining after effect by a double light. Every design shows talent, and much poetical feeling, but the composition of his lines is strained, and startles as often as it pleases. If landscape painting is to be a correct and poetical delineation of the effects of nature, Turner does not in his later works fulfil the definition. No one without talent could produce the extravagant idealisms christened by him with all sorts of strange names, but they are not representations of anything in the sky above us, on the earth, or sea, or anything beneath the earth; they are phantasies which sometimes excite wonder, sometimes pity. If they are landscapes, then Wilson's are not, neither are Claude's, Poussin's, Dominichino's, Ruysdael's, or Hobbema's; either Turner is wrong, or they are all wrong.

If Etty had the taste and refinement of Howard, and Howard more of the vigour and knowledge of colour of Etty, we should have two brilliant stars in our school, who would equal in effect, and in composition and conception, the masters of the Venetian and lower Italian school.—Mulready, Thurlston, Rothwell, Linton, Eastlake, Leslie, W. Allan, Collins, Newton, Smith, Shayer, and many others, have advanced the English school, and every year produce works which touch the feelings, please the eye, and ornament our dwellings.

Bonington, Stothard, and Westall were artists who supported the estimation of their profession. The former gave great promise, and it may be said of him, *nil tetigit quod non ornavit!* The second, a man of great and versatile talent, always happy and often grand in his designs, was very unequal in his works; when he kept within bounds, the feeling and expression, the colour and grace, of his compositions were winning. Perhaps the series illustrating the Pilgrim's Progress is the most perfect of all his labours. Westall, the preceptor of

our Queen, has not been sufficiently valued. He lived to the age of sixty-five, and being industrious, his drawings and pictures are very numerous. He is among the first of our school in expression, elegance, and the truthfulness of delineated narrative. He has been called a mannerist. What master is not, more or less? How is the authenticity of a work pronounced on, but by considering the manner, penciling, style, &c., of a master? Many of Westall's drawings leave nothing to be desired, if looked on within the range of the class he adopted. Some of his pictures might ornament the greatest galleries. 'Helen brought before Priam' is full of classic beauty, and clearness and depth of colour. 'Hagar in the Desert,' will be held in high estimation as long as expression and just conception of a subject are valued and understood. 'Christ appearing to Mary in the Garden' would be an ornament in the National Gallery, as it is finely conceived, well composed and drawn, and true and elevated in expression. His gentleness, amiableness and ability, pointed him out as the fittest preceptor of our Queen, and being so was to him during life a source of pride and pleasure, and a great consolation on his death-bed. The following anecdote speaks trumpet-tongued to the honour of her who is our sovereign. On his death-bed (he had been hunted from his own house by the lowest attorneys, extortioners and sheriffs' men) he wrote to the princess (who had not then ascended the throne), whom he adored, and told her that he had a blind sister dependent on him for support, that he was dying, and had no means with which to provide for her, and solicited Her Majesty's protection. The queen's answer was immediate, containing words of sympathy and sincere regret, and saying that she had settled henceforth on his bereaved sister one hundred pounds a year for life. Let the deed be registered in every English heart. We have seen him gaze on her drawings with heartfelt delight, and expatiate on her talent and rapid improvement. He was too good and independent to say what he did not think.

Among the most extraordinary and neglected of our artists is John Martin, the painter of the 'Fall of Nineveh,' 'Belshazzar's Feast,' and many other great subjects. Of his originality no one can doubt; he is an artist *sui generis*. He has

been termed a man who merely varies one idea; the criticism is shallow and untrue: Martin displays great and appropriate variety *under too similar an aspect.* Mr. Waagen thus describes the 'Fall of Nineveh,' erroneously called by him 'Destruction of Babylon.' "Beneath the fearful light of the "clouded moon the immense city extends, over which nightly "destruction has come. Innumerable enemies have already "penetrated into it; the flames are already rising in some "places; the elephants that carried the Babylonians to the last "struggle are overpowered: all this is seen in the remote di-"stances. In the foreground, the king, irresolute and inactive, "surrounded by his women, awaits his fate. His brother "manifests in the most lively manner his indignation at the "cowardly and wavering conduct of the sovereign. These "are some of the principal features of the very rich whole, "which teems with thousands of figures, in which the *most "varied and striking* attitudes, as well as the composition of "the whole, manifest a *rare power of invention.* The figures "in the foreground are about eight inches high, the execution "free but careful, the colouring powerful and clear, the effect "of the whole very striking. But with the poetical, imagina-"tive feeling which predominates in the whole, the natural-"ness, nay, even historical truth, in the details is very re-"markable. In the buildings, the works and accounts relative "to the most ancient architecture of the east have been care-"fully consulted; nay, the artist desired me to observe how the "figures under the walls exactly corresponded in their propor-"tions with the accounts handed down to us of the height of "those walls. I now perfectly understood the extraordinary "approbation which Martin's pictures have met with in Eng-"land; for they unite, in a high degree, the three qualities "which the English require above all in a work of art, effect, "fanciful invention, inclining to melancholy, and topographic "historic truth. Iu no works of art that I have hitherto seen, "is the contrast between the more modern and antique way "of conception in the arts so striking as in these." There is much good sense and observation in these remarks, and we consequently agree with our author. Martin has, in several instances, selected night scenes as subjects for his pictures, which in some measure accounts for the remarks which have

been made on their apparent similarity. The picture of 'Joshua ordering the Sun to stand still,' the 'Paphian Bower,' 'Paradise,' 'Clytie,' are all daylight pictures, and all effective, poetical in the highest degree, carefully and soundly painted.

The illustrations of Milton and the Bible show a high and fertile imagination, capable of keeping flight with the former, and of entering fully into the simple sublimity of the sacred volume. As an engraver, Martin, in his line, stands unrivaled. Has this genius-like and industrious man received the support due to his superiority and originality? His pictures have been insulted in the Royal Academy. His name is not found on the lists of that institution. His engravings have been pirated. He has been tricked out of one of his best works. His great picture of the 'Fall of Nineveh,' after being virtually purchased by the Belgian government, was returned to him, as a subsequent law enacted, that the money voted was to be expended in works of Belgian artists only. The king, with great delicacy, to compensate him in some degree for the bitter disappointment and loss, sent him the order of the Belgic Lion. The 'Fall of Nineveh' ought to be secured for our own National Gallery. There are but few individuals in this country wealthy enough to purchase such elaborate works; and, as is often the case, the genius is neglected while living, and left a prey to bitter anxiety—and, after death, speeches are mouthed, and statues erected to his memory. Some attempts were made to obtain permission to place the picture before her Majesty; but the difficulties and obstacles are so numerous, that it would be almost as easy to storm Windsor Castle. There is a Poussin in the National Gallery replete with vulgarity, for which more money was paid than would have purchased the 'Nineveh'! Which would have produced the better effect upon the mind of the people—a disgusting picture, unfit to be seen, or so wonderful a work as the 'Fall of Nineveh'? Martin's magnificent plan for the drainage of London, and, at the same time, converting the banks of the Thames into one continued useful range of Doric corridors, with walks over them, we detailed in our Number for April, 1838. Should such a man be left to wane away neglected?

The general characteristics of the English school, with the exceptions we have enumerated, and many more, are the substitution of dash and splash for study and careful design; a poverty in the choice of subjects; a want of historical elevation of character; weakness and uncertainty in the drawing; affectation—and, to encourage the vicious system, a fulsome and foolish system of puffing, calling the perpetrators of such outrages against taste and judgment men of genius, and their pictures perfection. If they are geniuses, what were Raphael, Claude and Vandervelde?

Mr. Waagen thus justly appreciates our superiority in water-colour painting: "I had before no idea of the depth, force, "richness, and clearness of colour, which is here attained in "this mode of painting; and there is in these pictures such "a peculiar charm, that I find the high favour which they "enjoy extremely natural." After enumerating several of the most distinguished, but forgetting the Misses Sharpe most ungallantly and most unjustly, for they are by universal consent placed in the very highest rank, he bestows the following praise on Copley Fielding, in every word of which we heartily agree: "His pictures have a truly national character; as "in the scenery of this country, the eye dwells with real "delight on the deep luxuriant green of his meadows and "trees, with which he knows how most happily to combine "the sea that bathes the verdant coast of England. With "unerring mastery he avails himself of all the advantages "that painting can command, by decisive contrasts of light "and shade, or by delicate transition, to produce the most "striking effects." Turner in early life excelled in this branch of the art, and perhaps carried it further than any other man. The collection of Mr. Fawkes contained many of his finest productions: that collection was formed before he mistook the extravagant and undefined for the classical, poetic and sublime; and long before he imposed a whirlwind of mingling colours instead of the gorgeous appearances of nature for the curious to gaze on.

Mr. Waagen's account of English sculpture is short; but, his few remarks make us wish that he had treated the subject more at length.

England has made advances in sculpture since the time of

Donatello, Lorenzo Ghiberti, Michael Angelo, and John of Bologna, which place her before most of the nations of Europe. From the seventeenth century the sculpture of Italy waned away, and *pari passu* the sister art of painting became characterized by affectation, flutter and inanity. It was scarcely kept alive even by the better works of Roubilliac until the latter part of the eighteenth century, when, in our own country, Flaxman, Bacon, Banks and Nollekens appeared. Bacon was a student of nature, and many of his busts have much of life and softness in them: he cannot be said to have formed his style and transmitted it. Nollekens has left some fine busts, and some attractive figures, and several *terra cottas* of great merit in composition and grace. Banks was a man of talent and industry, whose taste was formed on Greek and Italian models. Flaxman is the greatest designer as a sculptor we have ever had. His 'Shield of Achilles,' and numerous works scattered through the country, prove not only his high feeling and knowledge of combination, but a purity and depth of sentiment, to which a gracefulness has been added, at times almost degenerating into weakness. His designs from Homer, Æschylus, Dante; and, lastly, his 'Acts of Mercy,' show his great and sustained ideality, perhaps to a point which gives the cast of sameness to some of the designs; an appearance which is increased in its effect on the mind from the similarity of the style. It has been said by some, that he wanted originality, and that his works are composed from recollections of the ancient sculpture. He certainly formed his taste in Italy amid the treasures of ancient art, and many traces of the effect of his seven years sojourn there are to be found in his works.

We do not agree in opinion with Mr. Waagen when he says "that sculpture is on the whole much lower than painting in England." He has not seen or studied the finest works which have been produced by our sculptors, or he would have formed a very different opinion. The following observations are, however, so judicious, that we transcribe them: "It requires a much more refined and elevated taste "to enjoy a work of sculpture than of painting, and hence we "find a taste for painting much more diffused also among the "other civilized nations of Europe. In most of them, too, a

"want of opulence contributes to render the important works "of sculpture now rare, as they are always very expensive. "In England, where the great mass of extraordinary wealth "would very well admit of it, the execution is impeded by "another cause. Sculpture, whose business is with the form, "can attain a high degree of perfection only where frequent "opportunities are granted it of representing the forms of the "human body in unveiled beauty, as they come from the "creative hand of Divine nature. But the majority of the "English, from a mistaken prudery, are decidedly averse to "every representation of the naked figure, by which the sphere "in which the artist moves is very greatly narrowed. I must "call that feeling mistaken, because the pure and noble spirit "in which the genuine artist views natural forms, and employs "them for the higher objects of art, for the representation of "that beauty which proclaims its origin from the hand of the "Deity, for the expression of intellectual relations, wholly "excludes all reference to the differences of sex, and does not "suffer them to occur to unprejudiced spectators who are "truly impressed with the real purport of a work of art. "It is this hallowing of the naked form which properly con-"stitutes the sublime innocence of art. Under these circum-"stances, we must not wonder that perhaps nine-tenths of "the sculpture executed in England consist of busts and por-"trait statues."

Our author's estimate of Sir Francis Chantrey is more in accordance with truth than the undue praise which has been showered upon him by those who follow a leader "like sheep through a gate, they know not why." He is, as Mr. Waagen says, a man of "very eminent talents in the natural style;" he is also an industrious, energetic man, with considerable knowledge of the world; but he is not yet in the first class of sculptors,—and as he has not improved in the least degree for many years, we fear that at his time of life there is not much hope of his rising higher. He wants *style*, ideality, and that sense of female grace and elegance which so pre-eminently distinguishes H. Baily. The bust of the celebrated Professor Playfair, an early work, has never been excelled by him, and must ever be admired as a specimen of sculpture. One of the finest of his productions is undoubtedly Dean Jack-

son. Several others are worthy of high commendation, among them Dr. Dalton and Bishop Heber. Of all his monuments we admire most the composition of that to the memory of Miss Coles. Chantrey was, when composing it, in a happier and higher vein than he has given proof of being in since that time. The two children in Lichfield Cathedral have been and ever will be admired; but the design, it is said, was made by Stothard, and in that the great merit of it consists. Sir Francis Chantrey is a great *male* bust-maker, a sculptor of considerable eminence in statue-portraiture; but of the poetry and refinement of his art he has given the world few proofs. Mr. Waagen justly places him far below Flaxman in all the great essentials, and as properly says, "E. H. "Baily, a much less known [not among connoisseurs] and ad- "mired sculptor than the two preceding [Chantrey and West- "macott], is, however, distinguished above them in his later "works by a more correct feeling for arrangement and graceful "outline." It does not appear that Mr. Waagen examined many of Baily's finest works, but has drawn his conclusions from the architectonic sculpture which was intended for Buckingham Palace. What would have been his admiration had he contemplated 'Eve at the Fountain,' 'Eve listening to the First Voice'?—those two alone are sufficient to stamp him as the greatest sculptor of modern times. The 'Dying Wife,' with her infant creeping up to her bosom,—the monument to Mrs. Nathaniel Ogle, in Millbrook Church, a female form rising and pointing upwards, while looking down, with the simple motto, "Farewell for a little while," —the monumental effigy of Lord Brome, the heir of the Marquess Cornwallis, in Linton Church in Kent, than which nothing finer has been executed since the days of Phidias,— are all of them replete with expression, grace and feeling. While looking at them, recollections of marble and art are lost, and the feelings are absorbed in the contemplation of the hallowed representation of what either elevates the mind or recalls the images of those who have gone away a little while before us.—In the domestic and poetical Baily is equally great. 'Maternal Affection,' the fond and lovely mother kissing her playful child, who is clambering over her shoulder, stands unrivaled. The 'Sleeping Nymph' should have been seen

near the effigy of Lord Brome, and the difference between sleep and death would have unveiled a wonder of art. In the one, loveliness, innocence, healthfulness, the slightly parted lip, the falling tress, the soft still hand, the almost gently rising bosom, indicated that nature only sought repose. In the latter was depicted, with curious fidelity, the sleep that knows no waking, but before

> "Time's effacing fingers
> Had swept the lines where beauty lingers."

Sir Aubrey de Vere possesses 'The Mother gazing on her Sleeping Child,' from Campbell's words, "Sleep on, sweet boy," &c. and showed both his taste and judgment in the selection: as nothing ever exceeded that sleeping babe. The grand and heroic are equally within Baily's powers. 'Hercules and Lycus,' but more particularly 'Caius Marius sitting on the Ruins of Carthage,' show his great mastery over his art. The monumental statue of Bishop Jebb evinces simplicity and style, in accordance with the character of that exemplary and learned prelate, and has met with the admiration it deserves from every judge. We say nothing of the sculptures for the architraves and other parts of palaces, or the colossal statue of Earl Grey; they are all too good for the places in which they are placed, far removed from sight. His bust of Lord Grey, still we believe in his possession, is *longè ante alios,* and the only one which conveys the force and aristocratic grandeur of that great and consistent statesman: it should be placed instantly in the National Gallery. What will be said, on its being recorded, that when the sculptors were honoured with their gracious Sovereign's recognition of their merit, Baily was left out? What will be thought, when we state, that those works of which we have spoken were produced amid deep worldly anxieties, oppressions brought on by the irregularity of the government in their payments, which bore him to the earth; and exposed him to evils and miseries for which there is in this world no compensation?* There has been no sculpture

* Surely if royalty were aware of the injuries inflicted by the irregularity in the payments their officers ought to make, the flagrant system would be put an end to. The statue of the late king George IV. was ordered of Sir Francis Chantrey. The government put him to the expense of 100*l.* for parchments, and then were

of our Queen yet made which is worthy of the original; and Baily is the only man who could do it justice, because his sense of female grace and dignity far surpasses that of any living sculptor. Westmacott, Wyatt, Campbell, and others, are in another class, and certainly fairly contribute support to their profession. Wyatt's horse, on which George III. is mounted, is by far the best in London; and, had the statue been raised ten feet higher, the effect would have been better. Lough promises, from his vigour, to achieve some striking work: perhaps his youthful ambition led him to expend much time and means in modeling works which, in marble, would have cost a larger sum than any individual could afford. It may be questioned if he has yet excelled the works which called him first into notice. The heroic figure of 'Milo, when held in the cleft of the tree, attacked by the Wolf,' is yet his finest effort. The 'Soldier defending his fainting Wife' gave the greatest promise, even greater than his 'Battle for the Standard.' We hope to see and hear more of his works than we have of late. Mc Dougal's 'Girl Reading' is very elegant, and gives fair promise of future excellence; —a promise, which we hope to find fulfilled on his return from Italy.

Though the feeling for the beautiful was strongly developed among the Greeks, it may be questioned if sculpture would have ever attained such perfection among them if it had not been supported by their religion and their government. The beautiful and the grand in their representations of deities was an essential in their worship: thus their temples were the depositories of their finest sculpture at the national cost. The climate, the beauty of the human figure among them, superadded to their taste and the generous

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two years after the time agreed upon for the first payment! At one time Baily was 7000*l.* in advance for the work for the palace, which ruined him, as he raised the money of extortioners.

Telfourd, the great civil engineer who built the suspension-bridge across the Menai, has a monumental effigy sculptured of him by Baily, which is to be placed in Westminster Abbey. Baily undertook to execute the work for 1000*l.*, the third of the sum usually charged by those who consider themselves superior to him. The Dean demanded *three hundred pounds for the permission to place it there!* but has since lowered it to two hundred; that demand must be acquiesced in; and thus the whole profit of the sculptor is consumed by the extortionate demand of the grasping churchman.

support of the government, were sufficient causes to account for their superiority. Here the government afford no support to this beautiful art—no statue has yet been purchased for our gallery—and no really great work sought for by those in power. Great bronze horses, and figures of stone to be put 150 feet above the ground, are not of the stamp which can either gratify or improve the national taste. If Baily is fortunate enough, and it is his turn at least, to say not a word of his being the fittest artist, to be the sculptor of the monument of Nelson, the highest expectations may be indulged that we shall have a monument worthy of that great naval hero. The subject of the Nelson monument has been so lately before the public, and so fully discussed, that any remarks would be superfluous, beyond observing that the Committee induced the sculptors to exert their talents, and then gave the first prize for the *drawing of a pillar!*—the second to Baily for a classical and noble design, very far before all the specimens exhibited; the next in merit was a simple and grand monumental design which was unnoticed by the Committee! We wish that it may be in marble, surmounted by a dome to screen it from the weather, and within the dome a concealed gas-light of great power with a reflector, so that it might become a striking object by night as well as by day; our skies are not bright enough for bronze; the best soon look black and unmeaning: marble can always be washed from above, and always be seen. The English school of sculpture only requires the fostering hand of true patronage to rise to great eminence. It contains the true elements—a love of truth and nature, a gradual formation of style, and a rejection of flutter and meretricious character: whenever those faults appear, the work containing them is condemned.

The durability of marble, the facility of repetition in casts, point it out to this portrait-loving nation as the most tasteful method of perpetuating the resemblance of those we love. It is a mistaken idea to suppose that marked features are requisite to enable the sculptor to produce an effective likeness; there are few among the educated classes who would not be better represented in marble than in colours. Groups in *alto-* and *basso-relievo* of sisters or families would constitute far more desirable ornaments than the wretched family pictures

of the day*. Lately a playful infant, the size of life, the first-fruits of love, was sculptured by Baily for the delighted parents; he was represented on a mattress, trying to rise up in play, with infantine vivacity: it was the perfect representation of innocent and happy infancy; and when manhood has destroyed every trace of resemblance, excepting in the memory of the mother, it will be coveted as a work of art. Surely such resemblances are far more beautiful and valuable than indifferent pictures, which soon become the ornaments of garrets, or things "to keep the wind away." One of the greatest attractions at Vauxhall is the representation of the most beautiful statues; the people admire them, and constantly applaud the repetition: it is the most classical and refined exhibition in London, and not only does Mr. Gye, the originator of it, great credit, but proves his correct estimate of public taste.

As our purpose was with English artists, we have made no mention of the French school, which, notwithstanding the possession for years of many of the master-pieces of sculpture, has not broken through the bad example of Bernini, the too often conceited vulgarity of Roubilliac, and the execrable taste of Guijon and Puget.

Canova has done much to recover the Italian school; but beautiful as many of his works are, too many are contaminated by the meretricious character and artificial grace of the sculptors who preceded him. The tomb of the sister of the late emperor of Austria is an exception, and may be deemed among the finest of his works. It is thus described in the edition of Flaxman's lectures alluded to, in the oration delivered by him on Canova's death: "The design is simple and "nobly expressive: a pyramid raised on three steps presents "an entrance to the tomb; the widow, the aged, and the "helpless child in tears, are bearing flowers to the shrine of "their benefactress, while the Genius of the Empire sits on "the steps in sorrow. We are sanctioned by the high author-"ity of our president's opinion, for believing this to be one "of Canova's most successful productions." The 'Graces,'

* A patent has lately been obtained for an artificial compound substance so similar to marble, that it is deceptive, and which can be used to take casts, and for every purpose to which marble can be applied.

in the possession of the Duke of Bedford, are very lovely, but, when steadily examined, want chasteness of style. The 'Magdalene' at Munich, a duplicate of which was at Bassano, has an expression in accordance with her repentant spirit; another in the possession of Signor Sommariva, was lately sold for 2600*l.* The 'Hebe' and the 'Dancing Nymph' are well known, and though tinged with the flutter of the Bernini school, they are both very attractive. Two excellent copies are in the possession of Mr. Painter at Richmond, for whom they were executed at Rome, and who, regardless of expense, paid for six large blocks of Carrara marble before perfect ones were found. The group of 'Venus and Adonis,' at the Marquis di Berio's, is in higher taste and style, and ranks amongst Canova's finest works. 'Hercules and Lycus,' though spirited and well-composed, is a giant casting away a dwarf.

The Rev. Mr. Sandford has lately brought from Italy the *original terra cotta* by MICHAEL ANGELO of *Lorenzo il Magnifico.* It is the most wonderful work of sculpture in its class perhaps in the world: it is a study for every sculptor in the kingdom, and a work of such power as to be capable of awakening latent talent into life. Is this unrivaled specimen to pass unnoticed by the trustees of our National Gallery? Five hundred pounds would secure it; but there is a supineness which even the work of Michael Angelo cannot rouse; and it will pass away from us, as lately many fine works have, never to be recovered.

It may as well be mentioned here, that the only known bust of Milton when young is in perfect preservation and of uncommon beauty, in the possession of the Rev. Mr. Woodward, and which on no account should be lost sight of.—The head of Cicero which belonged to the statue in the Forum is in the possession of Major Chudleigh: when it fell, during a riot, the side of the tip of the nose was injured—the *Major rubbed it down with sand-paper*!!!

Our limits warn us to leave this part of our subject, and to enter on one closely connected with it, and which circumstances referred to in the sequel have made of much public interest.

Mr. Waagen makes no mention of our Mint, coinage or medals,—the subject appears to have either escaped his ob-

servation or not to have been within the scope of his object. The state of the arts in any country may, with few exceptions, be fairly estimated by the quality of engraving on the current coin of the realm, and on the medals struck in commemoration of great events, or for rewards by public bodies to distinguished men. It is only necessary for us to observe, that the fluctuations in merit from the time of Anketil in the reign of Henry I. have accorded with the appearance, the decline, and resuscitation of the arts of sculpture and painting. Throughout nearly the whole of the last century the numismatic art was in a very low condition. In the years 1763 and 1787 there were coinages, in the former year of shillings, in the latter of shillings and sixpences, and no farther coinage of silver until 1816; in that year the head of George III. so generally admired, and as generally attributed to Pistrucci, *was engraved by Thomas Wyon.* The head of George IV. on the half-crowns coined 1826, was also the work of Thomas Wyon, and is far superior to that of Pistrucci in 1821.

We have been led into these preliminary remarks to show that numismatic engraving has progressed with the general advance of art. It is now our duty to prove that the state to which it has arrived is not owing to the introduction and influence of foreign talent in the person of Mr. Pistrucci. All the medals of Pistrucci with which we are acquainted amount to nine in number.

1. George IV.; reverse, Trident.
2. Duke of York; reverse, Inscription.
3. Duke of York; a remarkably small medal.
4. Lord Maryborough; reverse, Inscription.
5. Sir Gilbert Blane; reverse, figures.
6. Royal Humane Society, copied from Pingo.
7. Soldier's medal.
8. Coronation medal. George IV.
9. Coronation medal. Victoria I.

and the Waterloo medal, *yet unfinished, on which £1780 have been advanced!*

The St. George and Dragon on the reverse of several of our coins, is due to Pistrucci, and is to be admired, notwithstanding its faults. The coronation medal of George IV. is creditable. That of our present Queen is so miserable a

failure, that it would disgrace the workshop of a Birmingham button-maker. It has been compensated for by the exquisite medal by William Wyon, intended to celebrate the visit of the Queen to the City of London. To this beautiful medal are two reverses—one Guildhall, the other three female figures personating the three kingdoms, and with appropriate symbols; it is the only likeness yet made of our sovereign. The outline is firm, flowing, graceful, and a true transcript of the finely formed head from which it is copied; the features are wonderfully correct, feminine in character, and beautifully modeled; the expression is dignified and inquiring; the contour elegant and easy, and the diadem and wavy hair tastefully arranged. The whole as a work of art is not surpassed by any medal in ancient or modern times; it is equal in every particular to the finest Andrieu, while it is far superior in *softness* and *flexibility*, which excellences can only be attained by the hand and feeling of genius. It places William Wyon in the same bracket with the Hamerini and Hedlinger; and the numismatic art of England the first in the world, since nothing so fine, in every respect, has yet been produced. Although the impression shows admirably in gold and bronze, we prefer the deadened silver; the colour, the purity, the clearness, are in keeping with the subject, and when looking on it we are ready to repeat her uncle's words when he saw it first, "it *is* her own dear face and expression." Most sincerely is it to be hoped that Mr. Wyon will be permitted to publish it to the world, as it will not only tend to diffuse a knowledge of medallic sculpture, and raise the estimation of the art, but enable the people to possess a true resemblance of their sovereign and the fairest flower of their country.

The model in wax from which the die was made, and for which her Majesty sat four times, is even more attractive than the silver impression of the medal, and shows to what perfection that branch can be carried. It ought, in a separate case, to be exhibited. As a resemblance or a work of art, it is worth ten times told all the pictures, miniatures, drawings and engravings yet exhibited of our Queen.

This William Wyon is the same man who, when Pistrucci, on the plea that the time was too short, refused to engrave

the reverse, from Chantrey's model of Queen Adelaide, for the coronation medal of William IV., undertook to engrave both the obverse and reverse, and finished them in time. His exertions and anxiety to execute the task had a serious effect on his health, and excited much solicitude among his friends. The government gave him one hundred pounds for his work, 'because of the shortness of time in which he had executed it'—forgetting that Mr. Pistrucci had received five hundred pounds for the coronation medal of George IV., with ample time to execute the die! We do not say that Pistrucci had too much—but if he were only fairly paid, that our countryman was paid too little. It is gratifying to record such exertion and spirit on the part of both Wyon and Chantrey, and to learn from it that foreign talent need not be paid fivefold more than native talent, and placed in a situation far above its deserts. Lord Wallace, when master of the mint, held the same opinion, and thus ends a letter to Mr. W. R. Hamilton on the 28th of Nov. 1837: "With the general merits of Pistrucci as an artist the immediate question "has no connexion; nor shall I now enter into any comparison "of the coins produced at the period you mention, and those "subsequently produced by Mr. Wyon; and merely state "(however it may impeach my taste) that the having been "forced by the conduct of Mr. Pistrucci to confide to Mr. "Wyon the dies for the coinage of 1825 and 1826 *has never* "*been a cause of regret to me*, or, as I have any reason to "know, of dissatisfaction or discredit to the country."

Mr. W. R. Hamilton has lately exhibited himself as the champion of Pistrucci in a series of letters, in a morning paper, remarkable for their weakness in style and substance, and their waspish acrimony—a failing which seems to follow Mr. Hamilton as closely as his shadow; for even Lord Wallace writes to him on the 11th Nov. 1837, the following cutting rebuke, which has not produced either repentance or amendment: "Of any opinion you may entertain or have "pronounced on any part of my official conduct, or the "strange perversion of judgement to which you think proper "to ascribe it, I do not at all complain, although I own a "little surprise at the *acrimony* which marks the expression "of it." Among the oddities of this acrimonious gentleman

is that of obtaining a letter to be written by Thomas Wyon the younger nearly a month after his death. That excellent and talented man died on Sept. 22, 1836; Mr. Hamilton publishes a letter in the *Times* on August 21 from that gentleman, dated October 16, 1836. Mr. W. R. Hamilton not only decries the talented Thomas Wyon, whose valuable autograph written after death he possesses, but couches his lance and runs headlong at the mild and amiable William Wyon, apparently because he is the kinsman of Thomas, and the engraver of the exquisite medal of the Queen, which stands a hundred degrees above all his *protégé* Pistrucci ever did. Perchance the cause of his wrath and diurnal effervescence in the public journals arises from the fact, that Pistrucci has only received for salary and extra work 11,905*l.* for his assistance in the coinage from 1817 to 1821; from that period to 1836 the said Pistrucci had nothing to do with the coinage, but like the Israelites of old was idle, "waxed fat, and became saucy," and was very nearly discharged by Lord Wallace, not from what any one had said, but "simply (a consciousness) of what appeared to me at the "time, as it does *now*, to have been a duty imposed upon me "by the *pretensions* and *refractory behaviour of Pistrucci* "*himself*." Mr. Hamilton should repeat at least twelve times a day the Spanish proverb—"Preserve me from my friends; I can protect myself against my enemies,"—and then reflect on the vexation he has occasioned his 'refractory' and 'pretending' *protégé*. Mr. Nicholas Carlisle has not so much reason to complain as Pistrucci, for Mr. Hamilton only accuses him of all kinds of errors and misdemeanors and ignorance, and abuses him so soundly, unreasonably, and unfoundedly, that the reader can only laugh at his impotent virulence, and will never mistake the venom of the shaft for the least vigour in the bow.

What has Pistrucci done for the public? Assisted for a short period in the coinage—which included the reverse St. George and Dragon, the coronation medal of George IV., and the unfinished Waterloo medal; and yet he is to be thrust forward, and made by Mr. Hamilton the peg on which to write the most unwarrantable stuff of Lord Wallace, and violent abuse of Mr. Nicholas Carlisle, and to disparage an unpre-

tending man of genius, whose medals for the Pitt Club at Liverpool, Lord Camden's university medal, St. Thomas's Hospital, and a long list besides, are of such taste and execution as to merit more praise than we can bestow.

We have entered somewhat further into the discussion than may at first seem called for, but we are justified for the following reasons:—it is the duty of journalists to defend men of talent and industry, who are neither "pretending nor refractory," from the disparaging remarks of a free lance like Mr. Hamilton; it is a paramount duty to make known to the best of their ability the rapid progress of any art; and to show when native talent has no longer need of foreign assistance, and when the stigma should be removed of incapacity to manage our coinage or engrave our national medals, or aught else which a great nation should be too proud to entrust to any but her own sons. The medal of the Queen may perhaps lead to the partial substitution among our aristocracy of that method of perpetuating the resemblances of those they love in preference to indifferent and perishable miniatures, and of raising, by their patronage, the estimation of this permanent and useful branch of art.

All our coins should be made to perpetuate some great national events: the following example will clearly illustrate our meaning. William Wyon, as early as 1817, proposed to commemorate the legislative union with Ireland, and in the true spirit of classic historical coinage, thus designed it. On the obverse the sovereign, with the usual inscription of *Britanniarum Rex.* F.D. 1817; on the reverse three female figures, representing Britannia, Hibernia, Scotia, distinguished by St. George's Cross, the Thistle and the Harp, their heads adorned with the Rose, Thistle and Shamrock, and the motto *Fœdus Inviolabile*—a small *rudder* crossed by a palm branch on the *exergue*, as emblematical of our naval glory. Who does not feel the force and classic elegance of that design? Who would not wish to see it perpetuated on some noble coin?

Before we take leave of Mr. Waagen, it is our duty to say, that he has written an entertaining and useful book to all connoisseurs and amateurs of art; and although we disagree with him in some particulars, (such as dubbing the 'St.

Cecilia' in the collection of Mr. Wells of Redleaf, a fine example of Allori, and not by Dominichino, by whom it assuredly was painted, as it has none of the marble-like heaviness and texture of Allori, and is in a "strain of higher mood" than Allori ever reached,) we consider him an able connoisseur, and only regret that his researches were not more extended. His book will have a very useful tendency, by exciting the caution of the purchaser, and keeping in abeyance the constant tendency of all dealers in pictures, from Lord Northwick to the pawnbroker, to nominate the works of one master for another, —to call school pictures fine old copies, and imitations and the works of numerous painters whose names are either unknown or not mentioned, the undoubted productions of the greatest masters. It will also have a tendency to restrain possessors of collections from entrusting pictures without due consideration and good advice to members of the Skinners' Company of Picture-flayers, and to induce a more minute examination of the actual condition of any work they wish to purchase*.

True pictures of the great masters are for the most part deposited in the collections of the aristocracy and of very wealthy men, and consequently fine pictures are becoming every year more rare and higher in value, while secondary and injured works are rapidly falling in price, as the taste of the people rises. Investment, even, of money in undoubtedly true pure and high-class pictures of attractive subjects is far more secure, and will prove more profitable, than the purchase of shares involving responsibility in bubble speculations, and foreign funds which pay neither interest nor principal.

Our secondary artists deter many from purchasing their pictures by demanding prices out of all proportion to their merit, and then complain of want of patronage. Let them attend the public sale-rooms, and they will see every day superior works sold for a small part of what they presumptuously demand. A much sterner system of criticism, instead

* In the British Institution last season was, perhaps, the finest picture of Bernardino Cannalette in the kingdom, the sky of which had been *cleaned* to *a raw blue*, while the remainder of the picture was in deep clear shadow, so that the harmony was destroyed. Also a merry-making by Jan Stein, which had been purchased by a Mr. Higginson for a large sum, which had been so completely flayed, as to be in the estimation of the connoisseur almost worthless, if its vulgarity had not made it so when uninjured. A dozen more could be named in the same condition.

of false and fulsome flattery, would improve our school, and raise the value and estimation of its productions; and we should much like to see a supernumerary volume, by some able man, on the English school, added to Mr. Waagen's attractive and well-translated work.

M. Mérimée's work, recommended by the Commission of the Royal Institute of France, and as earnestly recommended for translation and publication by men so eminent as Sir Augustus Wall Callcott, Sir David Wilkie, Mr. Etty, Mr. Mulready, Mr. Hilton, Mr. Phillips and Mr. Cooper, comes before the public under the highest auspices, and with great pretensions.

The report of the Institute of France gives an analysis of the contents, and affirms that "great utility and advantages "must result to the art of painting from its publication. The "great object of the author appears to be that of bringing to "light the primitive processes of painting; for this purpose "he has consulted the earlier works on the art, and has ex-"amined with the greatest care many of those pictures which "have most resisted the effects of time and exposure; and "he is decidedly of opinion, that these works owe their pre-"servation to particular modes of combining, in a liquid state, "resinous substances; by the use of which the colours were "defended from the action of causes that have injured or de-"stroyed pictures of much more modern dates."

The recipes for preparing the different varnishes and colours appear to have undergone very severe scrutiny, and are consequently worthy the attention of artists who wish to attain the same texture, surface, clearness, brilliancy and durability as distinguish the works of the old masters.

It must be evident, that the only true sources of information on the ingredients and manner in which they were used by the greatest artists, are threefold:—a written authentic detail; a series of pictures from the outline or the preparation, through every stage, to the completion; or oral tradition. The last we must consider as not existing, since the art is lost, which would not have been the case had the tradition been correctly handed down to us. Although M. Mérimée gives some instances of unfinished works, and follows up his observations with much acuteness, and from them

draws conclusions, he appears to theorize too often, and lay down as facts what, on closer examination, are only opinions; those opinions are worthy of every attention, but should hold no higher place. Had the industrious author given a chronological list of acknowledged works, and a careful analysis of each, he would have made his subject clearer, and perhaps have reached a more satisfactory conclusion. The paintings in the tombs of the Egyptians, in the ruins of Herculaneum and Pompeii, the *works of Margaritone*, who was born in 1198, and whose portrait of Cleopatra is still in existence, and which was probably a copy of some Greek work since lost, might have led to more than a conjecture of the *atramentum* used by Apelles, and which, from all the ancient accounts, gave brilliancy and transparency to his colours. The Cleopatra was brought to London some years since, and was considered as a great curiosity, and illustrative of the method used by the ancient masters. From the time of Pietro della Francesca, Verrochio, Masaccio, and others of that period, a gradual change is observable; the harshness of texture wanes away, and the pictures of Leonardo da Vinci, Perugino, Rafaelle, Sanzio da Urbino, Francia, Lorenzo da Credi, and many more, assume in their early works a clearness, brilliancy, and apparent but not real brittleness of texture, which indicates that their materials and system were gradations of that encaustic painting which had been practised by Margaritone. At Blenheim is a splendid picture by Francia (we believe attributed to Rafaelle) supporting our opinion; the cabinet gem of the 'Woman with the Alabaster Vase of Ointment,' in the collection of Mr. W. Hornby of Hook, (to which we have referred,) by Rafaelle Sanzio; a Lorenzo da Credi in the collection of Mr. Gilmour, and two angels by Masaccio, unfinished, formerly in the possession of Mr. Day, illustrate still further the opinion we entertain, that the masters of the thirteenth century, and to a much later period, painted on a system deduced from the ancients, and which enabled them to produce clearness combined with severity, and sometimes with softness of effect, in which there is a refinement of colour and an evanescence of tints not manifested in their later works; which was gradually lost among the Italians, though somewhat recovered by the Van Eycks and their im-

mediate followers, and then lost again by the masters of the Dutch and Flemish schools, though at intervals partially reappearing in some of the early works of Rubens and of his disciples.

If the opinion of M. Mérimée, that the Roman and Florentine schools commenced their pictures in the same way as Van Eyck, be correct, that is, with "a *kind of wash of a single tint*," it would have been important to have *clearly* stated, if the composition of this "kind of wash" was the bitumen or asphaltum used by the Florentines; for on it, in great measure, depends the almost diaphanous appearance of their subsequent tints, and which was not destroyed by even a firm, and not sparingly laid on, body of colour, as may be more particularly seen in those extraordinary pictures delineating the history of Joseph, by Francesco Ubertini; and also, but in a less degree, in a picture by Rodolfo Ghirlandaio, both brought to this country by the Rev. J. Sanford. The surfaces of the Florentine and Roman pictures of the period above alluded to bear much similarity in appearance to the works of Van Eyck, Holbein, Hemmelinck, and many others, but are less delicate and evanescent in the gradations of tints. It has not been settled by our author what the precise methods were, used by different schools, which produced similar effects. The artist who studies this book is left to try the different experiments suggested, and to form his own conclusions. The result is thus stated:

"In considering simply what constitutes the true manner of each school, and of the several masters, so far as regards merely their technical process, we perceive that the entire code may be reduced to two points, viz. transparent and opaque painting. The former, a most important quality in colouring, has been particularly attended to by the ancient artists. To gain this essential object, some painters have laid in their pictures with their washes, and have used but little colour; others have commenced with solid painting, and then finished by glazing, which method has produced the most transparent effects; and thus by different modes obtaining similar results; for we find the solid paintings of Titian and Rembrandt are equally transparent with those of Fra Bartolomeo and the Bronzini.

"The changes which are observable in many pictures, from their original lustre to a yellowish tone, afterwards caused many artists to give up the advantages of transparency. Sasso Ferrato is an example of this

feeling in the seventeenth century, and the French school followed the same course towards the middle of the following age.

"In this essay I think it is sufficiently proved, that the brothers Van Eyck, and the artists who adopted their methods, used varnish in their painting, and this it was which brought forth all the brightness of their colours, and preserved their works from the injurious action of the atmosphere.

"This process, which the inventor only transmitted at first as a secret to a select number of practitioners, and which unfortunately, not being committed to writing, soon became impaired, was at last reduced to mere use of plain drying oils, a method which some schools still practise.

"That the process employed by the Van Eycks, whenever or with whomsoever it may have originated, is less liable to change than any other known method, is quite evident, and that we may consider it certain, that Rubens adopted it with great advantage to his works; for one thing is quite clear, which is, that there are many parts of his works which cannot be faithfully imitated by any of our common methods of painting; yet when we make use of a vehicle in which varnish is an ingredient, these difficulties can be overcome."

The theory of colouring, as laid down by M. Mérimée, is not quite satisfactory, and neither as simple nor as clear as it might be.

A good theoretical and practical treatise on light and colour, as applicable to paintings, is yet a desideratum. The treatise of Moses Harris, written in 1766, which constitutes the ground-work of Mr. Phillips's remarks on colouring, in his Academical Lectures, and is spoken of with indefinite encomiums by Mr. Taylor, is clearly the application of the Newtonian experiments with the prism, and so far valuable. Neither Mr. Phillips nor Mr. Taylor throw any further light on the subject, beyond what has been derived from Harris, who was evidently better acquainted with the theory and its application than any subsequent writer on art, and whose diagram is by far the most scientific and useful extant. Mr. John Burnet's well-known essay on colour contains many acute observations, illustrated by coloured etchings; but like the works of the other writers, it is wanting in those theoretical rules on which practical results must at last depend. The limits of a periodical journal will only admit of our sketching lightly the outline of so interesting a subject.

The eye is the organ constructed for the reception and use of light. *Forms, positions* (including distances), *colours,*

and to which may be added, in one sense, *numbers*, are dependent on the reflection of the rays of light. As the declaration, that *forms* are dependent for their impressions on the mind, through the eye, to light, may at first seem paradoxical, it will be as well to illustrate the points. Without light no form is impinged on the retina. Let a chair or any other article constructed of different parts be placed near, for example, a scene at a theatre, and the representation of it be painted on the flat surface of the scene; the eye at a certain distance perceives no difference between the reality and the representation, showing that the reflected rays from mere lines drawn on the canvass, with some attention to lights and shadows, produce the same impression as the actual complicated substantial chair.

A picture is intended to reflect the rays of light to the retina, so as to produce a perfect miniature there of the larger picture. The forms are derived from curvilinear or angular deviations from straight lines, those being the only variations which can be made; the relief of the objects intended to be represented depends on lights and shadows; and the effect on position, combination, graduation and opposition of colours, and on the balance or relative quantity of light and shadow. The effect is either agreeable or otherwise, in proportion as harmony is produced by combination of colours in accordance with the laws established by the prismatic separation of the rays of light, and their blending by commingling, and by their opposing. The agreeableness of forms is not reducible to laws, and is in great measure dependent on the mind of the spectator. There are some persons incapable of discriminating colours, who consequently only judge of relief; that organic defect cannot be considered in the discussion. There are some also who are so deficient in a sense of form, as not to know relatively straight from crooked: the negro is a remarkable instance of that deficiency. Whatever be the capacity, cultivation appears necessary to be fully sensible of the beauty of harmony in colour and in forms, the former being the result of fixed laws, the latter more of taste or habit.

In a former part of this article observations were made on the position and distribution of colours by the Venetian and

other great masters of colouring; those remarks were penned a year before the publication of M. Mérimée's and Taylor's volume, and therefore, if they bear any affinity to them, they may be esteemed corroborative of each other. We shall now pursue the subject in a more consecutive manner than has been attempted in any of the works alluded to. The facts above stated being kept in mind as the foundation of our reasoning, we may proceed to the next fact, that any emanation from a central point of colour, in spreading gradually, becomes evanescent. Pictures are clear and brilliant according as the capacity of the colours of the principal lights are reflective or absorbent. Black, being the principal, reflects scarcely any light, and has a tendency to deprive a picture of its brilliancy; it may add to its effect when used in opposition independent of colour; the intensity of shadow increases in proportion to the brilliancy of the lights surrounding it. The angle of light on the picture ought to determine the length of the shadow; it is a point not sufficiently attended to as a rule; from it arises truth of effect. When the eye dwells on one colour and is then withdrawn, the spectrum remains of the same form, but the colour is exactly opposite; thus red produces green, and the other colours their opposites; from this fact it is evident, that no principal point of a pictorial subject should be painted of a positive, and, as it were, isolated colour; for the impression of the form would remain, and the opposing colour be substituted, and render the meaning and colour of the picture doubtful and disagreeable. On the above physical fact the following appearance may be accounted for. If any opaque body is made to cast a shadow on a piece of white paper, the shadow will be neutral tint: interpose between the light and the opaque substance any coloured transparent medium, and the paper will partake of its colour, and the shadow appear to be the opposing colour; if the transparent medium be green, the shadow will appear red, and *vice versâ*. In shading every reflecting body becomes a new source to all around it, and therefore reference must be had to all of them and their colours, though the shadows receive all the same tone. The forms of shadows must, of course, be the correct outline of the body which is luminous and causes it, the size varying with the size of the

luminous centre which casts the shadow. The intensity of colour diminishes as the squares of the distances; the apparent distance is dependent on the degree of light; different states of the atmosphere constituting different media have corresponding influence on the degree of intensity: an object through the medium of a fog loses its brilliancy; a similar object at the Cape of Good Hope, at the same distance, where the light is nearly fourfold what it is here, would appear much nearer, and gleam with uncommon brilliancy. This simple observation accounts for the colour and apparent proximity of objects and mountains in many of the Italian pictures, and which are considered as unnatural by those who have never seen any other climate than our own, and often confuse their ideas of aerial perspective.

The technical details of mixing and using colours are laid down by many with very slight variations, and require no notice here.

Mr. Sarsfield Taylor's "original observations on the English School of Painting" may have been original to him; to us they appear a very meagre compilation, leading to some very weak apologetical remarks, redolent of maudlin flattery, on the progress and present state of the Royal Academy. Notwithstanding the report of the French Institute, and the solicitations and recommendations of so many English academicians, we must look on the volume as just as valuable to artists as a good cookery book to the presiding goddesses of the kitchen; in other words, that no artist should be without it, because it contains recipes innumerable, and some *recherchés*, but no definite information on the highest subjects treated of, though much to excite curiosity and stimulate inquiry.

Article II.

First Report of the Commissioners appointed to inquire into the best means of establishing an efficient Constabulary Force in the Counties of England and Wales. London, 1839.

In the present article we propose to show,

1st. That there existed at one time in England a very effective machinery for the protection of person and property against ordinary depredators.

2nd. That of that machinery no more exists at present than the name and the external form or shell.

3rd. That it is not only expedient but necessary to make some attempts to re-establish its former efficiency.

We are enabled to pursue this investigation much more fully and satisfactorily than we otherwise could have done, by having the assistance of a very important, and at the same time an exceedingly curious and interesting document,—the First Report of the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force in the counties of England and Wales. This Report contains by far the most complete and accurate account that has ever yet appeared of the habits, the haunts, and mode of life, of the nature and extent of the malpractices of that numerous body of men and women who in this country, at the present time, find that they can obtain a much better livelihood by plundering the produce of the honest labour of others than by any honest labour of their own.

I. Whether or not the Saxon tything-men exercised corresponding functions, at all events the better opinion seems to be, that the office of a common constable existed before the statute of Winchester (13 Edw. I.)*. There are various accounts or rather theories of the origin of the constables of the hundreds, called high-constables, and those of the manors, vills, and tythings, called petty constables. One account connects them with the office of lord high constable. In a former number† we noticed, among the other great officers of the crown

* 2 Hawkins, Pleas of the Crown, B. I. cap. x. s. 33.
† No. XI., p. 237.

after the Norman conquest, the lord high constable. "Out of "this high office," says Lambard (*Duties of Constables*), "the "lower constableship was first drawn and fetched, and is (as "it were) a verie finger of that hand; for the statute of Win-"chester, which was made in the time of Edward I. and by "which the lower constables of hundreds and franchises were "first ordained*, doth, amongst other things, appoint that, "for the better keeping of the peace, two constables in every "hundred and franchise should make the view of armour."

The jurisdiction of the constable determined the limits of the vill in law. Thus, in the case of Waldron *v.* Ruscarit, i. Mod. 78. *Hales*, "The parish of A may contain the vills of A, B, "and C, that is, where there are distinct constables in every "one of them. But if the constable of A doth run through "the whole, then is the whole but one vill in law. In some "places they have tything-men and no constable."

Polynxfen. "Lambard 14. is that the constable and the "tything-man are all one."

Hales. "That is in some places, *Præpositus* is a proper "word for a constable, and *Decemarius* for a tything-man†."

What appears from this is, that tything-man and constable are not synonymous, and that tything and constable are not correlative terms, but that vill and constable *are* correlative terms, being both Norman and having reference to the system of administration introduced by the Normans into England.

The progress of the thing seems to have been something of this kind. There was first the lord high constable, a great officer of state, whose authority, which was executive, not judicial, extended over the whole kingdom. This officer may be considered as bearing a somewhat similar relation to the chief justiciary, the first of the great officers, which the common constable (i. e. the constable of the hundred and of the vill) afterwards did to the justice of the peace. Then executive officers, a degree lower than this superior one, were made of the nature described in the following words by Du Cange: "*Constabularius Castri,* seu Tribunus militum, qui

* This is very questionable, for the statute does not in terms constitute such officers, but rather speaks of them as if they existed previously.

† See also 1. Ventr. 170; so likewise, "The book of *Villarum* in the Exchequer sets out all the vills, and there cannot be a constablewick created at this day."—Per Moreton, Mod. 13. pl. 36. 5 Vin. Abr. 429.

castri aut oppidi custodiæ adhibetur*." Of this description were such officers as the constable of the Tower of London, the constable of Chester, &c. When we proceed a step further, we come to the constables of the hundreds and the constables of the vills, executive officers a step or two lower than the officers called by Du Cange *Constabularii Castri*; and we thus have a graduated and organized system, which coincides with what we meet with generally under the feudal system, where the officers were, from the top to the bottom, formed after the same model—the lowest being a copy in little of the highest. We see this in the case of the stewards of the manorial courts, who were precisely to the lords of their respective manors what the king's lord-steward was to him†.

The keeping these things in mind will tend greatly to facilitate the understanding of the nature and organization of the ancient police of England as regulated by the statute of Winchester (13 Edw. I. st. 2.). The second chapter of this statute is as follows: "Likewise, when need requires, inquests "shall be made in towns, by him that is lord of the town, "and after in the hundred, and in the franchise, and in the "county, and sometimes in two, three, or four counties, in "case when felonies shall be committed in the marches of "shires, so that the offenders may be attainted. And if the "country will not answer for the bodies of such manner of of-"fenders, the pain (penalty) shall be such, that every country, "that is to wit, the people dwelling in the country, shall be an-"swerable for the robberies done, and also the damages; so "that the whole hundred where the robbery shall be done, "with the franchises being within the precinct of the same "hundred, shall be answerable for the robberies done. And "if the robbery be done in the division of two hundreds, "both the hundreds and the franchises within them shall be "answerable. And after that the felony or robbery is done, "the country shall have no longer space than forty days, "within which forty days it shall behove them to agree for "the robbery or offence, or else that they will answer for the "bodies of the offenders."

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* Du Cange ad voc. *Comes stabuli.*

† See this subject of the King's Steward, or Lord High Steward, investigated in No. XIII.

The 4th chapter prescribes at what times the gates of great towns shall be shut, and when the night-watch shall begin and end. But the 6th chapter of this statute is the one which throws most light on the subject. The translation of it is as follows: "And further it is commanded, that every man have "in his house harness for to keep the peace after the ancient "assize; that is to say, every man between 15 years of age "and 60 years, shall be assessed and sworn to armour ac-"cording to the quantity of their lands and goods; that is to "say, from 15 pounds lands, and goods 40 marks, an hau-"berke, a breastplate of iron, a sword, a knife, and an horse; "and from 10 pounds of lands and 20 marks goods, an hau-"berke, a breastplate of iron, a sword, and a knife; and from "5 pounds lands, a doublet, a breastplate of iron, a sword, "and a knife; and from forty shillings land and more, unto "one hundred shillings of land, a sword, a bow and arrows, "and a knife; and he that hath less than forty shillings "yearly, shall be sworn to keep gis-arms, knives, and other "less weapons; and he that hath less than 20 marks in "goods shall have swords, knives, and other less weapons; "and all other that may shall have bows and arrows out "of the forest, and in the forest bows and boults. And "that view of armour be made every year two times. And "in every hundred and franchise two constables shall be "chosen to make the view of armour. And the constables "aforesaid shall present before justices assigned such de-"faults as they do see in the country about armour, and of "the suits of towns and of highways, and also shall present "all such as do lodge strangers in uplandish towns, for whom "they will not answer; and the justices assigned shall present "at every parliament unto the king such defaults as they shall "find, and the king shall provide remedy therein. And from "henceforth let sheriffs take good heed, and bailiffs, within "their franchises and without, be they higher or lower, that "have any bailiwick or forestry in fee, or otherwise, that they "shall follow the cry with the country; [and after, as they "are bounden to keep horses and armour, or so to do]*; "and if there be any that do not, the defaults shall be pre-

* The Record Commission edition of the Statutes has,—"and, as they are in ability to keep horses and armours, so to do."

" sented by the constables to the justices assigned, and after, " by them to the king, and the king will provide remedy as " afore is said."

At a time when almost every man, indeed we may say, every layman, had the habits and education, though none followed the profession, of a soldier, it is evident that such an enactment as we have just recited would produce an exceedingly active and efficient police for the protection of person and property against depredators; a police as different as possible from the shadow of it which still exists in this country under the name of the constabulary force. At the time of the above enactment every man was a soldier; the constables were to make the view of armour, to inspect the array of the country, thus illustrating the correctness of the view taken above of their analogy with the higher species of constable. Their functions were evidently, at least in part, military, and the performance of those functions necessarily required some qualities which we should in vain look for in the constables of these days. Then the sheriffs and the bailiffs were to follow the cry with the country. In fact, the *hue and cry* was the soul of the old constabulary of England; and with such an apparatus of men, horses, and arms as we have seen marshaled up in array in the above-cited chapter of this statute, the *hue and cry* was likely to be a most efficient, indeed a certain, mode of running down a thief, a robber, or a murderer,—a machinery, however, which, though very well adapted for the state of society in which it was framed, requires for its efficient operation, that every man should have, to a great extent, the education and habits of a soldier, and moreover should be prepared, at a moment's notice, to quit his occupation in order to join the *hue and cry* after a thief over the whole country—with somewhat of the speed and recklessness of his neck with which a fox-hunter follows the fox. Such a condition is evidently, in the present state of society, impossible upon the face of it, and it has so long been found to be so, that society seems to have fully resolved to treat it as the law of England treats impossible conditions, namely, as void: so that, in fact, the country has for a great length of time had no police at all, as we shall make apparent by the evidence of the Report before us.

It is not unimportant also to remark the distinction between the magisterial or judicial and merely ministerial functions of the justices of the peace. They were originally merely conservators and keepers of the peace (*custodes pacis*). Holt, Ch. J. said he knew not whether, at first, justices of peace were more than high constables*; but that the statute that made them complete judges is that of 34 Edw. III., i. Show. 528, in case of Harcourt *v.* Fox. It was rather the statute 36 Edw. III. c. 12, which first gave them their judicial authority.

The Commissioners cite several cases of amercements from the records of the Exchequer to prove that the principle of the responsibility of the neighbourhood where the offence was committed to the supreme executive authority for making "fresh and quick pursuit" was at one time in full and active operation. But that the primary functions of "watch and ward" have at the present day fallen entirely into desuetude, and that the old constitutional principle of local responsibility to the supreme executive for the prevention or punishment of crime is nothing more than a dead letter, we now proceed to show from the ample materials for that purpose afforded by the very able and interesting Report before us.

II. At the outset of their Report the Commissioners make some observations relative to the absence of official information as to the extent of crime committed, and the causes of the absence of such information. Thus it is estimated by the class of pickpockets, that, one day with another, they must steal about six pocket-handkerchiefs, or things of the same value, "to live." It was established that the average duration of the career of delinquents of this class would be five or six years before permanent removal from the town by transportation or otherwise. Such a career, comprehending many hundred offences, would only be marked, in the ordinary statistical returns of crime, by one or two items; yet the greater proportion of the prevalent reasoning as to the state of crime in this and other countries is founded on such statistics. It occurred to the Commissioners, that light would be thrown

* See also, 2 Hawk. Pl. C. 34, cap. 8. s. 11, to the effect, that the power of such conservators of the peace was no greater than that of constables at this day, unless it were enlarged by some special grant or prescription.

on this subject by a comparison of the number of forged notes presented or returned to the Bank of England, with the number of prosecutions for uttering or forging such instruments. It appears, from a return made to the Commissioners from the solicitor of the Bank of England of the number of forged notes presented, and of the number of convictions and executions for forgery, from the year 1805 to 1837 inclusive, that from the year 1805 to 1823, both inclusive, the average proportion of convictions to offences, or, in other words, the average chance of each criminal's escape from conviction was 1 to 167 at least. It appears also, from the same document, that during the years 1811, 1812, 1814, 1815, and 1825, a depredator's chances were, that he might commit between three and four hundred offences before he was convicted; and in 1806 and 1830 the chances were as great as 1 in 462, and 1 in 613. From this it will be perceived how little the number of convictions can be trusted as evidence of the state of crime, i. e. the quantity of crime committed; and how little the number of convictions can be trusted as evidence of the increase and diminution of crime also appears on reference to the return of the crimes known to have been actually committed.

Take another example: Dr. Colquhoun, the magistrate of the Thames Police, estimated the number of prostitutes in the metropolis at 50,000; the actual enumeration shows, that at this time the number does not exceed 7000. On similar grounds, the number of common thieves at large in London was estimated not long ago at 30,000; whereas, upon a close enumeration made in the year 1837, the number was returned as 6407.

The Report divides the depredators who prey upon the community into migratory and resident. The most prominent body of delinquents in the rural districts are migratory or vagrants. These vagrants, again, consist of two classes: first, the habitual depredators, or common thieves; secondly, vagrants, properly so called, who seek alms as mendicants. Besides those classes who travel from fair to fair, and from town to town, there are numerous classes who make incursions from the provincial towns upon the adjacent rural districts.

One of the most novel as well as curious and interesting features in this Report, consists of the confessions of depredators made when in prison. With regard to these confessions the Commissioners observe, that some of them they have obtained themselves from prisoners in gaols under assurances that the disclosures should in no way affect them prejudicially, but under no hopes that they would obtain anything by any statements they might make. Other confessions were obtained, under the like assurances, from prisoners in various parts of the country by chaplains and governors of gaols, and by gentlemen who assisted the inquiry. It may be laid down as a proposition, if not of universal, at least of pretty general truth, that a person who is a thief is also a liar. At the same time there are many professions besides the profession of thieving, which are favourable to habits of mendacity; indeed, a scrupulous, undeviating adherence to veracity is one of the rarest qualities to be found among mankind; and this is the result of intellectual almost as frequently as of moral obliquity. To take in facts by observation into the mind, and give them out again undistorted, uncoloured, unadulterated, though it would seem, when thus plainly stated, to be a very simple and easy operation, is, nevertheless, an operation so difficult, as to be very seldom performed; and when we consider the qualities of mind which are necessary for the due performance of this operation, the infrequency of its performance will appear less surprising; for it is an operation that requires for its performance in a high degree of excellence,—of intellectual qualities, clearness, soundness, justness,—of moral qualities, courage and love of truth. In how few individuals are all these qualities to be found united! In how many is not one of them to be found! Consequently, when a fact is put into the heads of a large proportion, indeed, far the larger portion of mankind, it comes out a totally different thing from what it went in. A thief belongs to a profession in which, though there may be found sometimes a degree of cunning and even acuteness of mind, there is not much soundness of judgement to be expected, and not much of moral courage, still less of love of truth. Allowing for all these things, the confessions will be found very curious and interesting, and by

no means useless or unimportant documents, if they are only taken for what they are worth. They are submitted by the Commissioners as they are admitted in courts of law, as corroborative of other unimpeached evidence. Subject to the foregoing observations, we shall now give some portion of these very curious confessions.

The following passage is from the confessions of a thief aged 21, the son of honest parents at Manchester. The prisoner first began to steal, not from want, but "to go to the shows." He states,—

"For the last four years, up to 1839, I have 'travelled' for a maintenance. I carried a covered hawker's basket with an oil-case on the top, with cutlery, trinkets, braces, Birmingham fancy goods, buttons, pearl, bone, and wood. This pack was not what I and others chiefly depended on; it was the excuse for travelling; and also something to fall back upon in case we could do no business of other kinds. The value of the contents would vary from 2*l.* to 4*l.* I have sold silk goods 'stolen,' bought of the shop-lifters: there are these in all towns, small as well as large. They will not sell to any unless they know them: if they supposed a man to be 'a traveller,' they would come up to him and say, perhaps, 'Will you *stand* for some handkerchiefs, ribbon, anything in gold, or silver, or wearing apparel?' There are ring-stealers, on pretence of buying them. Needle-stealers from drapers' shops 'buy 100, and steal a couple of thousand.' There are cant words for everything you use or do. I have seen some old cant in print, but it is nothing to the cant now used. There are three sorts of cant, the gipsies', the beggars' (such as pretended sailors and others), and the thieves'. The cants are distinct in many words, but alike in others. A stranger to the cant words could not understand the gipsies or others, save a few words here and there. The gipsies have a cant word for every word they speak. The vagrant cant is a lower style than the thieves: they use it to tell one another what they get at different houses: they are not always thieves, they will not push themselves forward to steal; and one-half of them, if they saw another stealing, would tell of him; and yet if they could do it themselves they would. The gipsies are the worst of thieves; they live by fortune-telling; they make rings out of brass buttons and pewter, and the wives sell them as gold and silver; they have files and other implements for cutting them out; the metal ones are cast; many of them make bad money. They will coin the money in lanes, or buy it of the dealers in towns in the rough, and make it up themselves. This is extensively done, most 'up' the country, the south and west of England; more round Sussex, Essex, Kent, Surrey, Northampton. They have no religion; are heavy cursers; go in families; never marry; many of them are sheep-stealers. The two families of the Boslems and Smiths, about 60 in each, are about Nottinghamshire and Derbyshire; hardly an assize or sessions, but some of

this set are had up; in winter they live in towns, if very severe. They will be in one tent when out; as soon as old enough they 'pair,' and if they don't like each other, after a fight the woman will go to her own tribe again, and the man selects another woman. Play cards and drink the Sundays. 'Travellers' will not 'do business' on Sundays. There are some who will rob houses at chapel-time on that day, because they cannot get in at others. I know two sent from Leicester last March for a robbery on Sunday night. One got fifteen, the other ten years. Amongst thieves there are several kinds. 1st. Those confined to picking pockets have boys to work for them, and close round them, that no one shall see them. This is very gainful; large towns furnish them, and they frequent all fairs, wakes, and races. They travel various ways, some with spring and covered carts. 'Muffling' the cart is of use only when there is no watchman; the wheels and horses' feet are all clothed. I have not heard of its being done this long time. 2d. Robbers of the person with violence, mostly three together, two will hold the man, and the third rifle his pockets. All three will, perhaps, be behind when the attack is made, and one will put his arms round him, or he would hit him from behind with a stone in a handkerchief, or a heavy stick, to stun or 'drop' him, and when the plunder is got, throw him out of the way. If a man is in a gig, one will get behind, and get his arms round him and drag him out, or one will hold the horse and cut the reins. A horseman will do well to take to the fields, but in a gig a man has only the chance of self-defence; few 'travellers,' i. e. thieves, will venture their lives if a pistol is shown. Few 'travellers' are confined to one kind of robbing in some places you will see the same persons with boys picking pockets, and others with a three-thimble table, gambling at fairs and races: it would be a good thing to stop it universally; they are thieves to a man; it would draw them to other things.

* * * * *

"Take one with another, Manchester is the worst town in England for a thief: I have heard the names of ——— and ——— the other side of London. Liverpool is a better place for a thief than Manchester, if he be a stranger. If you say in any other part of England that you are from Manchester, you are at once supposed to be a thief: it is the same with London, Birmingham, and Liverpool; but they say that Manchester and Birmingham turn out more thieves than London and Liverpool. The Manchester and Liverpool are reckoned the most expert: they are thought to be of Irish parents, and to have most cunning. In fact, I'll be bound to say, that three parts of those who are travelling now throughout the kingdom have Irish blood in them, either from father, mother, or grandmother.

"I should think there are some thousands of 'travellers' in England, not to mention Ireland and Scotland; there are more in Scotland than Ireland. (Ireland is too poor, unless in the large towns.) I have seen 150 of different sorts at one place; at Boughton Green fair, near Northampton, in June every year, thousands of people assemble there; the

police from London come to it. Then there is Lincoln April fair; Boston May fair; Newmarket in May; then to Birmingham or Sheffield fairs; then to Coventry, to Newport Pagnell (Bucks), then back to Boughton; and there is a place called 'Stow Green Fair.' Then Peterboro' summer fair, then Fairlop Forest, ten miles from London, where I have seen the most gipsies, hundreds at a time. Then to Liverpool Spring-meeting, and then follow the races in all the midland and northern counties, ending up with Doncaster. Then come on the winter fairs,—Nottingham goose fair, Leicester cheese fair, Mansfield statties, (all this was detailed from memory without the least hesitation); Rotherham statties, Leeds fair, Ottley statties, (statties mean fairs held by statute, where servants are hired,) Knaresborough, York; then come down to Sheffield fair, 28th November, then end up until Wrexham fair begins the year on the 6th of March. I have gone this round three times, all except Wrexham. I will go over the ground again for you: it begins at Wrexham, 7th March; Nottingham, next week Grantham, pleasure fair; Sleaford, pleasure fair; Caiston, P. L.; Lincoln, cattle fair four days, two days pleasure; Horncastle statties, Spilsby statties, Tattersall statties, Boston May fair, cattle and pleasure; then to Sleaford, again to the 'big market,' Tuxford fair and statties, Newark again. Derby, where some branch off to Birmingham and some to Sheffield. I went to Sheffield, Leeds cavalry races, Mansfield, Newport Pagnell, cattle and pleasure, Boughton Green, Fairlop, Redbourn races, Liverpool meeting, Stamford, some to Liverpool, and some to Stamford. Then to Henley, Staffordshire, Newcastle races, Wolverhampton races, Burton-on-Trent races, Stourbridge races, Solehull races, Warwick races, Lichfield races, Doncaster races; (this is called the 'midland beat,' or the 'Lincolnshire gafs,' and 'taking the run of all those gafs.') Working upwards again, beginning at Wrexham, take Chester, Manchester Easter fair, Stockport fair, May; Macclesfield fair, Congleton fair, Ashbourne fair, Lichfield fair, a place between that and Birmingham, then an iron manufactory place; then Birmingham fair, then Coventry, and the same course down from Newport Pagnell. The north 'hirings' are also attended by 'travellers,' or times when workmen are paid their monthly, quarterly, or half-yearly reckonings, for working in mines, &c., which are all known, and draw 'travellers' to the spot for all sorts of robbing and thieving, &c. This is reckoned as good as a fair; some will go and get nothing, others 'hundreds.'"—*Fol. Rep., p.* 17; 8vo, *pp.* 28-30.

The prisoner described various portions of his career, of which the following will serve as specimens:

"I went to York by myself,—York statties, (many Manchester people go there.) M—— G—— was there; he has a brother J—— G——. M—— G—— is supposed to be the first hand who ever turned out of Manchester; has most money; he was there with B—— M——, (he I saw last at Birmingham last September; he is a Manchester or Liverpool man.) M—— is now in Lancaster from this place: I have known him as a thief

for seven years; about 21 years old; he has served twelve months at Coventry. There were a many Manchester and Liverpool thieves there, and from all the large towns; it is the largest statties in Yorkshire. They were most of them parties, called 'working in mobs,' *i. e.* parties. They will say, 'Who are you working with?' and the answer, 'Oh, I have got a mob of my own;' three or four men and a boy, the boy for women, and a grown-up person for the men. Such parties as these don't hesitate at nothing. I knew five parties there; I was still alone, I got about 16*l.* from women chiefly, all standing still; I should not have attempted them, if they had been in motion, by myself; I saw several successful attempts by others, and they saw me; they knew I was successful; there is a sort of honour amongst us until we fall asleep or get drunk, and then they will 'barber' one another, 'skewer them of all they have.' Next I came down to Manchester; it was now about the middle of November; here about a week; to Stockport and Macclesfield alone, then reduced, for I had got rid of all in three weeks in drink and clothes; and then I got some clothes off a line, and and got about 16*s.* or 17*s.*, and went on to Congleton. I got into the constable's garden and stole some linen; I did not know he was so; I told of it to the people of the lodging-house, who, when I went to bed, went and told of me, and I was sent to Knutsford sessions; pleaded guilty, and got three months; very strict gaol; silence; very little food; came out April 1st to Manchester, Easter (Knott Mill) fair. I got 16*s.* from a woman; she missed it, and I had to run. I went to G—— street, Shudehill, stayed till the Thursday, when I got a silk handkerchief out of a gentleman's pocket at a print-shop: the gentleman cried out, but I dropped it; and he got his handkerchief, and so I got off. After that I thought I had better leave Manchester.

[The prisoner then narrated another journey, and one to London, and described Fairlop fair, and other fairs he visited.]

"Next morning he showed me how to get handkerchiefs; we got five pieces in one shop; did not suspect us; bought one handkerchief. Sold them to S—— B——, a 'traveller,' who has a horse and cart, and belongs to Spilsby. Has been fifteen or sixteen years well known among 'travellers;' has not been taken up once in three years; he makes a very good thing of it. He drinks and gambles a great deal; his wife is transported. He goes through Lincoln, Nottingham, Leicester, and Northampton. Sometimes he has boys with him to pick pockets. He is a dark-complexioned man, about 33; sometimes dressed like a farmer, sometimes like a gentleman. I have seen him in three different dresses in a day at Boston; he carries them in a cart; it is a covered cart, one horse. I have sold him many things, and seen others too. There is some place he has in Birmingham, where he disposes of them. Next to Horncastle with the gingerbread man and P——; only two shops; could do nothing. Went out on the road; statties in May; and he played the thimble; we got about 30*s.* a-piece by it; at it about two hours. At night we robbed a van in the yard where we stopped, a carrier's, and got various things, which we took to Boston, and sold them to a man who has

a 'swing boat,' a thing for children to ride in at fairs, B—— S——, who would buy anything of that sort; he goes the same beat as the last man. At Boston we could get nothing in the fair. There was a woman traveller in our house who turned out at night, and we also to protect her; she got 12*l.* from a man, and shared with us 4*l.* each; her name S—— S——, from Wisbeach; knew her before; she has travelled nine or ten years; is about 29; seen her all over that same beat. I have drank with her.

* * * * * * *

"Came to Barnet, St. Albans, and to Redburn races. (I can for the last two years since I have taken to thieving 'rightly' tell almost the days of the week of any transaction. We often tell our stories to each other, in and out of prison; and then we know all the days of the months of the fairs, and the days of the week that they begin.) At Redburn we met a man called F——, who belongs to Gloucester; a young man who plays garter very well; I and D—— T—— assisted him, but B—— not being a good hand, went through the fair pocket-picking. He got 30*s.*, we got 36*s.* amongst us; not a large races. That night we stole a coat out of a booth, and sold it to W—— F——; his name is on his spring cart; he will buy anything; he belongs to the midland counties beat; he is an Irishman. I went thence alone to Woburn fair, then to Birmingham; I met a man called N——, who has been a drover, but now a 'traveller;' we robbed a clothes-stall of smock frocks, and got 4*l.* for them; did it at dusk; sold them to a man at Little Brickhill, in Bedfordshire, who keeps a lodging-house; don't know his name; N—— knew him. Next to Northampton, two days, nothing; to Stamford races; met P—— and D—— B—— again; we played thimble on the course; made little; only played it one day. Got a watch out of a man's pocket at a fight in the evening; sold it to C—— P—— for 8*s.* Next day we made about 20*s.* by handkerchiefs; at night got 26*s.* off a drunken man going out of a booth to make water.

* * * * * * *

"Walked to Birmingham to wait for Burton races; B—— B—— and I went together now. D—— T—— and D—— B—— went another way, and I have not seen them since. B—— and I (he was the younger) got 30*s.* in the market picking women's pockets. On Sunday got 16*s.* on the railway; it was then very thronged. Monday went in company with father and son, Irish, F—— H—— and M—— H——. M—— H—— was the man who was murdered in a lodging-house at Warwick the same winter (12 months since) by two Italians, who stabbed him in a quarrel; they were transported for life. He had been nearly all his life a 'traveller,' and had brought his son up to it, now between eighteen and nineteen. The son was serving six months in Warwick when it was done. I was in Warwick gaol then too. The father was waiting his son's liberation. We four went to Burton races; rainy; did nothing; out at night. Back to Birmingham for Stourbridge races on the Thursday; latter end of August; left the H's at Birmingham. I went with a woman called Liverpool F——, and then met F——; don't know his name. There was

a fight between two colliers; a farmer was pressing forwards to see it, I pushed him on, and F—— put his hand into his pockets, and got a purse of twenty-one sovereigns; the farmer missed it, and took me. F—— threw it down and ran; I was trying to conceal it by trampling on it; he saw and took it up and counted it, twenty-one sovereigns. Another man had hold of me; I was taken up before the magistrate at Stourbridge, but the man having got his money, though he appeared, he seemed satisfied, and would not press the case: two days in lock-up."—*Fol. Rep. p.* 19; *8vo. pp.* 33—35.

This prisoner says that

"'Travellers' change their ground; when they have been once convicted in a county, they try to shun that county, and some will have been all over England, Ireland, and Wales; as many in Wales as other places; more in England, because there is more plunder; not many Welsh and Scotch thieves, but more Irish than either English, Welsh, or Scotch, or them all put together; they are either Irish bred and born, or else some of the family are; my mother was an Irishwoman, and an honest one; of the women, thieves and prostitutes, there are a still larger number Irish than men.

The prisoner then enumerated the houses.

"There are bad of both kinds, for gambling there is nothing to choose, but for 'travellers' there are more jerry-shops than public-houses by many. I know of jerry-shops started by thieves for the accommodation of their acquaintances. Two at Nottingham in a court. Then at Leicester three, and three at Sheffield. I have been at all these myself. (In Sheffield there are five public-houses in a street not 200 yards long, and every one a resort for thieves, men and women.) In Halifax two public-houses and a jerry-shop, all open houses for 'travellers.' In Manchester six in one street, viz., four jerry-shops and two public-houses, all receptacles for thieves, and one public-house in another street. In fact, in all parts of the country, and in all towns, there have been a great number of jerry-shops started by thieves to get the custom of 'travellers.' 'Travellers' spend more money at such places than other customers, oftentimes drinking and gambling all day. I think the jerry-shops have done good to the brewers, but nothing but harm to other people, except thieves. It's easy enough to begin one. There is 8*l.* for a licence, and about 8*l.* more will set them up in every thing. The first week will pay this outlay in general; there is generally a dinner given gratis, and drink is paid for. In these places it is that 'work' is planned, and they are what are called a 'plant,' or place for 'planting' things, *i. e.* hiding, things. I know many that are brothels in Manchester, Rochdale, Halifax, Huddersfield, Nottingham, and indeed in all towns.

He states that

"There are many more travellers who go in companies than alone; three is the general number, one woman and two men; two women will go together without men. The largest company are at fairs, where there

will be four men and a boy. I have seen at Bartholomew fair, Boughton Green fair, Burton races, Newcastle races, and Stourbridge, Mansfield statties, Newark, and Boston, thieves rescued by their companions, and women rescued much oftener, especially at Birmingham, sometimes by talking them out of it, and, if that would not do, by force, which is the general way. The constable's thumb at Burton was nearly bit off. If they have sticks, strike them on the upper arm, or on the calf of the leg, which disables a man instantly, if not bite the thumb; not much use of the fist in such cases. All those cases arose from want of more constables." —*Fol. Rep. p.* 22; 8*vo. p.* 40.

Illicit distillation by the Irish in large towns:

"The Irish have one branch almost to themselves in all large towns, that is, illicit distillation. The spirit, chiefly whiskey, is made out of treacle-water, sugar-washings, *i. e.* empty grocers' hogsheads, or very brown sugar. They put barm in it; make from one to ten gallons at a time. It is carried about by their females in bladders with tin necks and a cork, to retail it to the servants at back doors, in exchange for food, clothes, &c. A deal amongst colliers. The jerry-shops are chiefly supplied this way. Generally kept upstairs, or in the cellar under a flag in the earth. Lodging-house keepers will never go elsewhere when it is made in the neighbourhood. Fetches about half-price."—*Fol. Rep. p.* 22; 8*vo. p.* 40.

The following notes of the confessions of a young thief confined in Cold Bath Fields prison, giving the details of a single predatory excursion, form a historiette of such strange adventures, and at the same time of such unity of action, that we shall extract it entire:

"A twelvemonth ago he and P—— were together in Cold Bath Fields, where they planned a thieving journey to Kidderminster.

"They built a dog-cart, stole two dogs from Smithfield, bought hardware, brooms, &c., at a shop near Farringdon-street, to the amount of 17*s.* While they were purchasing the articles, two companions stole for them a dozen and a half of hand-brooms from the door; they valued them at 5*s.*, making, as four were concerned, 1*s.* 3*d.* each;—P—— and H—— paid them 2*s.* 6*d.* They also took with them twenty sixpences and ten shillings bad money, which they concealed in a large false bottom of the cart. Thus equipped, H—— with 5*s.*, P—— with 15*s.* 6*d.*, they started off about twelve at noon, in the winter or end of autumn. At Wandsworth they sold a mat for 1*s.* 4*d.* and a broom for 11*d.* They went on to Wimbledon and called at a public-house, where they had a pint of beer, for which they gave a bad sixpence. The landlady served them, and then went into the inner bar and continued serving. The boy H—— reached round and took four silver salt-spoons which were on a shelf; he would have taken the salt-cellars, but was afraid they might soon be missed. They decamped, bought some bread and cheese, and hastened out of the town in about ten minutes after the robbery. At Kingston they went to a

travellers' house and sold the spoons to their landlord, who gave them board and lodging for the night and next day, with 5*s.* for the bargain.

"They proceeded on their journey, and at about half-past ten a coach passed them on the road; a small trunk was fastened on behind the seat, P—— ran after the coach, climbed up, and cut it down. It contained a quantity of papers, and nothing else. They tore the papers into shreds, and, having destroyed the box, they hid the pieces. This box was subsequently advertised, and a reward of 50*l.* offered for the recovery.

"At the next town (the boy did not recollect the names of the places), about eleven or twelve miles from Kingston, they went to a public-house; it was market day. H—— made cloth caps, and in the course of the evening he sold a dozen and a half, at 1*s.* 6*d.* each, to the countrymen in the tap-room. They stole a great coat which belonged to one of their customers, and hid it in the false bottom of their cart. There was a hue-and-cry for it; some suspected the boys, but the landlady said she could be answerable that the poor lads were innocent. Having proceeded next day on their route, they sold it to a passing countryman for 3*s.* H—— considers it to have been worth about 7*s.*

"For three weeks they lived entirely on the produce of what they sold, and ultimately arrived at Kidderminster.

"They put up for a short time at a travellers' house. Houses of this kind are in every town, price 3*d.* or 4*d.* a-night; they have a common kitchen where the trampers cook and live. (P—— confirmed this, and stated that the better sort pay 6*d.*, and have the attendance of a girl to cook.)

"At every lodging-house on the road H—— met plenty of trampers, and he did not see one face that he had not seen at St. Giles's. They also recognised him, and compared notes. Some were hawkers, some were going half-naked, some were ballad-singers, some were going about with false letters, others as broken-down tradesmen, some as old soldiers, and some as shipwrecked sailors; and every night they told each other of *good houses*. They all lived well, never ate any broken victuals, but had meat breakfasts, good dinners, hot suppers, and frequently ended by going to bed very drunk. Not one spent less than 3*s.* a-day, many a great deal more. They sometimes make 5*s.* and average 3*s.* 6*d.* per day; some often get a sovereign where humane people reside. (All this is confirmed by P——.)

"P—— having been employed at a carpet-manufactory before he came to London, went to visit his old friends, and was soon able to introduce H——. Every day these boys stole balls of twine and string from this place. They daily went there to take whatever they could lay their hands upon, and have brought out two and three dozen balls of a day in their great-coat pockets, finding a ready market for their plunder in the rag-shops. The first lot they sold was worth about 1*l.*, and they got 10*s.* 6*d.* for it. They did not dispose of any stock-in-trade while in the town, but lived by plundering the manufactory and picking pockets in the streets. Some of the property they pawned, some they sold to trampers at the lodging-houses.

"P—— and H—— were very punctual in attendance at the churches, where they always robbed. They took three watches—one was pawned for 15*s.*, the other two for 1*l.* a-piece. P—— is very clever at 'easing a yokel of his watch.'

"They went to a fair about fifteen miles from Kidderminster, leaving their dogs and cart at a public-house about two miles from the scene. P——, who can play 'prick in the garter,' soon got a mob, and soon found 'betters.' He allowed them to win nearly all the money he had, and then won it back with double interest. In the mean time H——, who never appeared to know P——, was very busy rifling the farmers' pockets of their money-bags. (He minutely described the bags, as being to him a matter of great singularity.) He took eight bags in a short time, but the richest of the eight contained only 15*s.*; he also took seven handkerchiefs. One of the party having lost a bet, applied to his pocket, but missed his purse; a row ensued, every one felt his pockets; the robbed and the swindled gave vent to their anger, and, having secured P——, took him to a pond and ducked him. H—— decamped when the storm was brewing, as he had all the bags and property about him. This occurred at about four in the afternoon, and at about nine P——, having concealed himself after his ducking, joined H—— at the public-house, and off they set in their vehicle.

"They left the neighbourhood and shaped their course for London. On their journey back they entered a gentleman's house, about half-past eight in the evening. It stood upon a hill, and was to let. They opened the kitchen-window and rummaged all over the house for about an hour, taking away a great-coat, some glass decanters, and a hearth-rug. On arriving at the next town, which was about ten miles off (and they travelled in the night after this robbery), they told the landlord they had something to sell. His wife went out and returned shortly after with a man, who bought the lot for 1*l.* 5*s.* 6*d.*; but H—— remarked, 'The fellow swindled us, for the decanters were worth all the money, but we were glad to get rid of them at any price.' At some distance from this town they came near a large village, and saw several persons coming towards them, when P—— put down the table for the 'garter story.' H—— began betting, and the people, when they came up, stopped to see the fun. Shortly they began to play, and H——began to thieve; at length they became exasperated at their losses to P——; H—— had retreated, and having packed away the property in the dog-cart, was moving off, when the storm broke out, and P—— again got into a scrape. He was severely thumped and beaten; H—— was accused of being an accomplice, and they were both locked up in the cage till next day, when the magistrates acquitted them, remarking that P——, if guilty, had received punishment enough, and as for H——, there was no charge against him. It remained a mystery amongst them what had become of the stolen property, for neither boy had been out of their sight, and yet nothing was found either on them or in the cart. They never suspected the false bottom.

"About thirty miles they stopped a night at a public-house, and became

friendly with some soldiers who were billeted at the house, being on a march with their regiment. While the soldiers were telling their adventures, the boys stole 2*l.* from them. The next morning the alarm was given, and P—— was again the scape-goat. H—— fled, and hid the purses here and there about the stable-grounds as quickly as possible; some he threw down the privy, and they were found by one of the soldiers. The landlady in this instance took part with the boys, and, as no other person had been in the company, the soldiers, though there was no proof, had no alternative but to suspect the boys, or one of their own comrades: however, the boys got clear off.

"At a short distance (that is, about twenty miles) from London, they stopped at a gentleman's house to hawk some things, and, while the servant went up stairs with some hearth-brooms, P—— slipped into the parlour and brought out a watch and a silver egg-stand. The servant bought about 5*s.* worth of things on her return, and they made the best of their way from the premises. In five days after they were in London, having added to their plunder from the gentleman's house a pair of silver salt-cellars, which they stole from a public-house where they slept. This plunder they brought to London. The silver was sold for 3*s.* 6*d.* the ounce; the watch for 15*l.*"—*Fol. Rep. p.* 24; 8*vo. pp.* 43—46.

The following passage, containing, besides an account of the planning and execution of several robberies, details respecting pocket-picking and the usual mode of disposing of watches and other articles, is from the confessions of a delinquent, aged nineteen, the son of respectable, industrious, and religious parents, recently removed as a convict from the gaol at Salford. The answers were given to a set of fixed interrogatories prepared by the Commissioners for cases where they had no means of attending and conducting the examination personally.

"Has been concerned in about a dozen burglaries, done in the night; about seven of them in inhabited houses; the others in offices of different descriptions: generally aimed at silver-plate and money, and clothing. Effected generally by skeleton keys. If they failed this way, got in at the back-cellar windows by small crow-bars. In offices used braces and bits, gouges, and small saws, to cut round a bolt which was inside. After the lock picked, easily found where the bolt was by pressure; then work a hole at each corner of the bolt, so as to get in a little saw, and then the door would open, leaving the bolt in its place, *i. e.* fast to the lintel. Never met with a chain, iron, or wooden bar. A chain is a deal preferable to a bolt; for it is impossible to get it out without making a noise. Thinks it would be a sufficient impediment to stop the work altogether. Never met with a bell; thinks it better than even a drop-latch, which is the most serious impediment he has met with. The drop-latch,

is formidable, because it forms part of the lock. The bolt of the lock may be shot but the thief not know it, because the door binds by the drop-latch, and so they may work for an hour, thinking it is the lock not picked. To cut out a whole lock would be too long a process. Once turned by a drop-latch; tried it nearly an hour and a half. After the robbery completed, left the door as tidy as possible. Has been concerned in picking pockets with two or three others, generally at markets and fairs. It is a lucrative and not very dangerous business, where you are not known; women's pockets in general, on account of their being easier to get into, and having only one, whatever they had was generally in it. Never concerned with personal violence. If it could be avoided, would not have recourse to violence. Associated entirely with such as myself, males and females. Did not like to trust women in the robberies; less faithful. In picking pockets in a strange town, if detected, one of companions, generally well-dressed, would come up and pretend to take the thief into custody, till they went for police, and then both go off; would then leave that town, if a small one, or remove to another part of a large one, and immediately go and change dress; some three or four suits. At one time in dress of a quaker, in half an hour like a carter. Never did escape. Rescues are effected. Thinks there are more robberies here than at Liverpool; for they generally flock to Manchester and Birmingham, when let out of prison there. Birmingham is a better field than Manchester. Sheffield is too near Wakefield. They say they would sooner serve six years in any other gaol in England than two there; not allowed to look at one another. They don't like the cutting the hair so very close. In Yorkshire, that is a sign of a man coming out of a prison or workhouse; it is a common saying in that town; if only in for three days, they cut it as close as they can cut it. Has been apprehended seven times. Convicted only once. Was six times apprehended before first conviction. Prosecutor always came forward against him. Has been acquitted, through the deficiency of evidence, four times, when guilty; not bought off; the two other times out of the seven was guilty, and treated as a vagrant; three months New Bailey, three months Borough Gaol, at Liverpool. Not near so much liberty in Borough Gaol as at Kirkdale; knows it from very good evidence. Last resided for the greatest length of time in Salford, in Queen Street, at a bad house, since broken up, T. B——'s; has heard since come in here broken up from a quarrel between him and his women. Practices and pursuits were not to any extent influenced by fear of the constables. Associates in crime were all known to the constables. Did not associate with them at all. Did not, that he is aware of, use any means with the constables, either to distract their attention or to induce them to permit or facilitate his escape: thinks them not sufficiently numerous. Mr. Diggles is more feared by thieves than any man either in Manchester or Salford; he knocks about more amongst them. Lindsay is a good man; does not know any one anywhere as much feared by thieves as Diggles; does not think his associates latterly have exhibited more dexterity than himself; they did at first. Never

found prosecutors backward. Thinks there is a general deficiency of caution, careless servants not fastening what bolts there were, or a deficiency of bolts. Would recommend every door to have a drop-latch, a chain right across the door, or a bell. Never had any connivance with servants, but has reason to know, from the conversation of thieves, that the most serious robberies are effected that way, such as plate, &c. Never broke through a wall. Doors are preferred to windows and grids, because the chains are often rusty and easily broken by a lever, or sudden jerk, and people are careless of getting them mended, or tie them with a string. Windows are not liked on account of the glass; it is very awkward to take it out in the dead of the night without letting some part drop, and the sharp noise easily wakes people. The method of taking out a pane is to run a small sprig bit, or nail, into the frame at the corner, and star the glass; then running the thumb-nail in any direction you think proper, from any one of the 'radii,' it (the crack) will accompany the nail. Then get some putty, or small pitch plaster, by which to retain hold and yet prevent the glass from falling to the floor: that removed, the fastening is undone and entrance effected. If there is an inside shutter it can't be done at all, without you know the premises, because you can't find out where they are fastened. If a window blind be down it rather facilitates, as it would not only take off noise, but might assist in taking the glass out, catching it, and when the window is up it is readily cut off. The fastening of a shutter is very awkward to get out, as the brace cannot easily be worked to it, and in using it much noise must be made; if a bell were upon a shutter it would be impossible to break in. Prizing up cellar window-bars with a piece of wood, five or six feet long, one holding the bar to avoid noise lest it should fall in. Never heard of a man being turned by a cellar window, unless interrupted. They ought to have no communication that is not cut off for the night by bolts, bells, and locks. Does not think that any thief would break a house for what was in the cellar only. Could take a spring cart to Bolton, now three o'clock, and return before ten o'clock, half full of cloth, cheese, &c., exposed, especially in small towns, at shop doors, which are so choked with handkerchiefs, checks, &c., as to be impossible to see what was going on outside. Knows some men now who go regularly Saturday evening, market-day, and bring back, on an average, 10*l.* worth. Has never been to Bolton himself that way. Robbing public-houses, parties of five or six:—all but one keep the landlord fully employed filling, while he is upstairs with false keys. A deal of money and plate has been taken in Manchester; more in last twelve months than in any other mode. His depredations were generally planned and executed by three besides himself, always males. Has known several depredations planned in prison; has learnt more in this prison than ever he learnt in any other place in his life, and that is the reason he would recommend solitary. Has known of half a dozen or more; sometimes bed-cells and meal-times. Has known of six or seven depredations planned in this prison, and committed them himself when he went out. The system is this:—there are always five or six men in a

prison who get their living by plunder; these draw raw country or town people into conversation to find out where they have worked, if there is any money, or any likelihood of getting at it, and how to get at it; and if there is, they learn the best time, and seem to be quite unconcerned about the inquiry. Then after leaving prison they go and look at the place, and if it be favourable for their design, they'll commit the depredation. Will state one. There was a young man that came in that had lived in Salford, opposite to a shop. I was in conversation about people going to chapel every Sunday night (Sunday nights during service are the chief times for burglaries). He said he knew two very religious people who never missed going to chapel any Sunday night in their life. I asked him 'what their business was?' He replied they were provision shopkeepers. I ascertained where they lived (does not know the name though the robbery was done); it was a provision shop. Did not do it immediately, went out of town for awhile to Liverpool, was taken there and served three months; then came back, and four weeks after, on a Sunday night, watched them out, and by a skeleton key effected my entrance, and took all the money then in the house, nearly 10*l.*; took nothing else. Entered by the front door, it is a front street in St. Stephen's Street; came out and pulled the door to. Did this alone, as there was no need of assistance. First knocked at the door to see if any one was left in, then tried the door. The whole done in about ten minutes. Did not leave the town. Thomas Diggles (the deputy constable) searched him about half an hour after the robbery. 'I had hid the money in the sand by the river, had only 9*d.* when Diggles searched;' was taken for it on the Monday night again, and discharged for want of proof; no evidence against him, but being intoxicated, and having more money than usual, 26*s.* or 27*s.*, was suspected. Was not seen about the premises. Changed dress that night, and ground next day. Has planned others with other people, but had rather not tell of them, as there are others outside who were concerned, and there is a deal of noise about them yet.

"Whilst in New Bailey last February and May, there was a young man came in out of Oldfield-lane, when three of us commenced pumping him, to see if he knew where there was either money or plate, but he did not at first own that he did, but afterwards, talking of the service that I had been in in Spain, he spoke of a gentleman, that had had a silver cup presented to him by Government, that he said was of very great value. I likewise ascertained from him who this person was, and found out from him that the person owning the cup went to market with his wife every Saturday night: they kept no servant. After leaving the New Bailey I went home to my father's, and living in the neighbourhood, I ascertained it to be a fact. I afterwards left home in the course of a week, and the Saturday night after leaving home committed the robbery, in company with the other three. It was a silver cup belonging to ensign E——; he is an elderly man; got, besides the cup, six silver tea-spoons, a sovereign—that 'a all. I was taken up and one of the others on the Sunday morning; the other two not. Was discharged for want of evidence. Diggles took us

up. It was disposed of in this town and afterwards sent to Liverpool; the inscription would be taken out, and it reburnished and sold; it is in Liverpool now. It was sold to a fence who has been engaged in that way six or seven years. 'W——,' I believe. W——'s wife, now two years in Lancaster for part of the property; two gold rings which I forgot, found with her: her son-in-law and Daw were indicted and got off. Now thinks W—— is in Lancaster for debt. After the cup was taken was very sorry for it, and thought it might be restored through Diggles, not that I thought he would connive at it. I gave him the information after I had got discharged for it three days, on the promise that none of the parties should be injured. It was none of the W——s who committed the robbery. The man who gave the information in prison never knew anything of it. R——'s, in Quay Street, Liverpool, is where I suspect it is now; it is a provision shop, a great receiver of stolen property, and has been convicted twice. Was sorry about the cup from the manner in which it had been obtained by Mr. E——. Was himself in two engagements in Spain, at St. Sebastian and Fontarabia. Does not like soldiering; he went out expecting there would be a navy: was so hired, and then they made soldiers of us; did not engage at all for the army. Never engaged the prison-informing party to effect the robbery; could not have trusted them. All such plans would have been avoided, if separate confinement, night and day; deal of mischief done in night, especially such long nights, and three in a cell. Generally took money or plate; when picked pocket would take nothing but money or purses. Take watches; could get rid of them as readily as anything else. Disposed of property to receivers, not pawnbrokers, that's a young trick. Got for it three shillings an ounce for silver. It must be a very good patent silver watch that fetched 2*l.*; a gold one 5*l.* or 6*l.* Scarcely received two-thirds of the value of the article. In every case it was known to be stolen, and sold expressly on that understanding. If such persons could be put down, there would be but little stealing except money. Very few burglaries. No use taking anything else. Not taken for mischief, but for gain. Should think he knows three considerable receivers here, and seven or eight in Liverpool. There are in Liverpool two or three in every street about Scotland Road. Every bit of plate from here goes there first, and from thence to Dublin. Was never at Dublin. Not melted down in Liverpool, but into bars at Dublin. Can trace it no further. Got by depredations one week with another from 3*l.* to 4*l.* in one week. One night got 273*l.* in Liverpool picking pockets, in Lime-street, near railway; a passenger from Manchester—it was a foreign lady; in her pocket, in a small pocket-book. Was not taken up for it. Saw bills against wall; it was supposed to be lost, not stolen. There were two of them to it. It lasted for six weeks; spent it drinking and whoring. Went into Wales to look for more money—to Denbigh for three days. Got rid of more than 4*l.* a day, drinking alone; buying bonnets, shawls, &c., for women. Pocket-picking is called 'buzzing' and 'tooling': the former is 'men's,' the latter 'women's.' Men's are done with wires made on purpose. Wire-workers that are bad

characters will make them for 10*s.* a piece; they are like the wire for getting corks out of a bottle, with three hooks to it: all the hooks incline inwards. There is a spring on the top, and when you think you have got it you touch it, and it closes like a crab's claw. These are very successful with those who are expert at using them—at cattle fairs, on old country farmers. The female pocket is picked by the hand; and to do it the thief must get on her right hand, for the pocket is mostly on that side; he must get into step with her; and at the moment she advances her right leg, the pocket falls back; *i. e.* the leg goes forward, leaving the pocket perpendicular, and then he must extract the purse. He gets his left hand into the mouth of the pocket as she goes along, and then watches the moment. Another man is all along drawing her attention off by walking in her way and baffling her; then down goes the left hand, the right supports the bottom of the pocket, and the money is extracted. Walks away, except she has suspicion, then runs. Associates got about the same. Most ever knew them get when not with me was 60*l.* It was the other man who took the lady's pocket-book. Gains were irregular; sometimes weeks without success. Went to all races and fairs. Of the robberies committed by associates, or self, three is the most in one week, producing about 12*l.* to 13*l.* a-piece; between four of them about 50*l.* Have committed altogether about twelve depredations myself; have had gains from a dozen more, who were his companions. Four of them divided; could rely on each other. Not quite a fortnight elapsed from entering upon a course of crime to the period of first apprehension; considers himself very unfortunate. It was ten months from entering upon a course of crime to his first conviction. Eighteen months, perhaps, on an average is the time before a depredator is apprehended and convicted; some will go on for ten or twelve years, and some will go for the very first thing they do. H—— was transported last sessions for a burglary at Newton Heath, and never was concerned in any other robbery. The landlord of the place where they assembled knew of their courses in most, if not in all cases, on account of the police-officers coming to inquire after them, and often exposing them to landlord. Never knew a landlord accuse a man, or turn him out; it would lose him his custom. While engaged in a course of crime, found dogs inside to be the greatest hindrance, and what occasioned the greatest fear; did not care much for one outside: if they were at back, would go to front. An inside dog will stop any side, and anything, if it will only make a noise. Does not know of any places or kinds of property so protected as to induce depredators to refrain from attacking them. We removed sometimes to another part of a town, or another town altogether, and that for fear of police, and after a robbery. The most important obstructions which could be placed in the way of depredations is a more efficient police, similar to London and Liverpool. Very few robberies in centre of Liverpool; all on the outskirts, out of the police districts. The Liverpool receivers are more in number, and give a better price than here; so that it will pay a man to buy plunder here to sell again in Liverpool. These houses receive a deal of the Manchester

plunder. Would not allow any music on a Sunday evening, even if public-houses were opened, but would stop them all. Would put the watch on at a quarter to six on a Sunday evening, now seven; that would prevent many robberies; these robberies are done in that time, and any one going to church might apprise the watch; preventing all under sixteen or seventeen to enter a public-house on any pretence. It is hard to say what are the most important obstructions which could be placed in the way of disposing of stolen property; that will never be dispensed with; always somebody that will buy; if one won't another will. Some people will do almost anything to get money. The best means of preventing the escape of offenders is to search them in the very first house, man or woman. Very often get rid of the property on the way to the station, by swallowing, chewing notes, dropping it in the sludge crossing the streets; and keeping every prisoner entirely separate, a good many may be convicted who now escape. It would be a very little expense to have a number of hired rooms to search in, &c. The whole night is spent in planning what shall be said."—*Fol. Rep. p.* 27; 8*vo. pp.* 50—55.

In order to complete this picture, we must also give some extracts from an exceedingly curious account of the practices of delinquents in the metropolis, furnished to the Commissioners by Mr. Chesterton, the Governor of Cold Bath Fields prison, and printed in the Appendix to their Report. This account was written for Mr. Chesterton by a person of education, not a depredator, who was imprisoned on a charge of arson, and who collected the facts from the conversations of depredators in whose company he was unavoidably kept. The writer thus follows the young thief through the pursuits of a single day.

"Thieves are not unnecessarily active, but rather of indolent habits. The thief must therefore be supposed to have been hard up on the previous night. He arranges with some of his pals, perhaps similarly situated, to go out early on the ensuing morning, and accordingly they turn out, two and three in company, on a morning prowl. This comprises different sorts of thieving, in which persons are taken in who are not sufficiently exercised to guard against knavery and duplicity; for the most part the thief acts upon the credulity of servants, whom he endeavours to throw off their guard, and by this means gains admission into the passage, or down the area; the chief aim is plate: the shops are now opening, and they begin 'shop bouncing,' which, as the shops open at various times, and as they may go into several before an opportunity of obtaining a good booty occurs, occupies till eight o'clock, unless the touting system of the previous night shows them where to direct their force with greater certainty: having put the booty away (fenced it), they go to breakfast either at a coffee-shop, the public-house they use, or the house where they slept, a lodging-house where

two or three live together, or where two attached pals live by themselves. At all these places they occasionally breakfast, but most frequently at a coffee-shop; this finished at nine o'clock; as gentlemen begin to move out in pursuit of their various callings, the thief turns out pocket-picking; this game occupies till twelve o'clock; from twelve to one P.M., starring and palming are pursued, and having put away the booty they dine mostly at the flash public-house used by the mob to which they belong. Dinner ended, some gamble at cards and tossing, others drink and smoke, till dusk, when, if summer, they turn out picking pockets again; the cloaks and top coats prevent this game in winter, when they turn out on an evening sneak, as shoplifting: they notice when the people in the shop are with customers, and sneak off with articles exposed for sale, as boots and shoes from a shoemaker's, hats and caps from a hatter's, coffee and tea from a grocer's, hams, &c., from a cheesemonger's, wearing apparel from a tailor's and pawnbroker's, or, going into a passage, sometimes umbrellas, box-coats, &c., are carried off; may-be the family are up stairs, and then the thieves have the range of the ground-floor: they seldom take tea in the afternoon, but return after their evening sneak to the flash-house, where they spend the remainder of the evening in the routine of dissipation peculiar to, and consequent upon, such a life, as drinking, dancing, card playing, and other species of gambling, raffling for pals in trouble, boasting of thefts committed in the day, telling who have been grabbed, and what pals they have individually put away; here they see women, with some of whom they become enamoured, and they assist materially in squandering the result of the day's thieving. Many exhibit stolen articles, and thereby get customers. Watches, rings, and handkerchiefs, &c., are often sold at these houses; cotton handkerchiefs are given away: thus the evening is spent till a late hour, when, if in winter, and the theatres open, they turn out as the company are retiring: on account of the heat gentlemen frequently come out with their coats undone (and some thieves who have perhaps not made a halfpenny during the day will make the best hit), through carelessness; their attention in the theatre being otherwise engaged, gentlemen often leave their opera-glasses, purses, handkerchiefs, and sometimes watches in their outer-coat; these are good prizes; a thief will often follow a swell one or two miles, judging from appearances that something more is contained in the great-coat than a handkerchief, before he finds an opportunity to rob him, either from his being on the alert, or others following too closely: a thief will often stand outside a confectioner's shop, or other shop, and notice, when gentlemen go in to purchase, where they place their purses; they are thus enabled to pursue the game with more certainty and greater temerity, the expectation of a good booty ever stimulating and emboldening the exertions of a thief: the company having retired from the theatres, the young thief's day's work is over, and he retires for the night; some go to night coffee-houses, where they are encouraged by being permitted to amuse themselves at cards, dominoes; others go to thieves' lodging-houses, where the charge is 3*d.* or 4*d.* per bed per night; here various scenes take place, sometimes drinking, smoking, gaming, &c., being allowed,

at others no such thing, the thieves not being allowed to congregate together; there are such receptacles in the rookery, St. Giles's, where forty or fifty beds are made up nightly; some have private lodgings to which they retire. 'Many men, many minds.'"—*Fol. Rep. p.* 207; 8*vo. pp.* 387—389.

We remember hearing a friend mention an anecdote which is illustrative of one passage of the above extract. One night as he was walking along Parliament-street, having just left the House of Commons, he missed his pocket-handkerchief. He observed to a gentleman who was with him, that he was glad the thief had not taken his snuff-box also. After walking a little further he put his hand into his coat pocket again, and found the snuff-box gone too. The pickpocket had been following them, and having overheard his remark had resolved to relieve him of the weight of his snuff-box as he had before done of that of his handkerchief.

The writer then follows the thief in his career when returned from transportation, increased in years and in professional knowledge: in other words, he gives an account of the higher grades of the profession, that is, the house-breakers and the swell-mob, as distinguished from the lower class or common thieves, of whom an account has already been given.

Housebreakers are a distinct class of thieves, differing materially from both common thieves and the swell-mob. Three-fourths of them are returned transports, the other fourth being partly made up of *servants out of employ*. There are two sorts of thieves of this class; the one enters a house by violence, the other by stratagem, that is, by means of false keys. We extract a case of each; the first was unsuccessful.

"Four burglars went to burst the house of a colonel in a west-end square; they were forcing the kitchen door, which opened into the area; a policeman unexpectedly made his appearance; the signal was given to the men in the area by their pals, who were on the look-out outside; the robbery was immediately left off, but the officer, having a suspicion, came to the area, and made the inquiry as to who was there? and what are you about so late? An excuse was put in to this effect, 'All's right, I am only chopping wood to light the fire in the morning;' the next question of 'Show yourself' admitted of no reply; another 'All's right' was put in, but without effect; for not showing themselves, the rattle was sprung; this was the signal for hurry and confusion; no time could be lost, carpet-bags, pistols, lanterns, and picklocks were all thrown down, and self-preservation cried to each,—Make your escape. As the one who had been using the

crow-bar to the kitchen door was getting over the iron railings his trowsers caught the top, and he would have been taken but for the crow-bar, which still remained in his hand, and with which he gave the officer a gentle blow, which damaged his hat materially, and laid him prostrate: the railings cleared, he ran; turned a corner of the nearest street; down an area went his hat, to the middle of the street went his crow-bar, he unbuttoned his coat and waistcoat and feigned intoxication, turned again, met his pursuers, but passed them unnoticed."—*Fol. Rep. p.* 210; 8*vo. pp.* 392, 393.

The case of the second sort was one of complete success. It will be seen how narrowly the watchman on the premises escaped being murdered—solely from the accident of his not awaking. Robberies are seldom or never accompanied by murder now, except in cases of this kind. It seems very probable that the late murder in Princes-street took place in this way.

"Warehouses mostly become the spoil of the burglar, they being for the most part made fast outside, where, from the presence of valuable property, a guard is left on the premises. A plant is put upon the place; the guard is observed to go to some neighbouring pot-house to take his pipe and pint of beer in the evening. The plant is continued; it is soon discovered what time the watchman leaves his trust and when he returns. This point gained, an opportunity is taken to fit the lock. A piece of steel, the shape of a key, coated with wax, tallow, or blackened by the flame of a candle, is introduced into the lock; upon the coating the impression of the wards is imprinted, and in this way, should the skeletons they have in hand not answer the purpose, a key is soon formed: three or four fittings may be required. Enabled to gain admittance, the next step is to lay a plant upon the guard; for this purpose, one of the party, possessing 'the gift of the gab,' is chosen and sent to the house frequented by the guard, sometimes a few nights before, but always on the night of the intended robbery. He tells a good tale, sings a song, is noticed by or notices his man; an acquaintanceship is soon formed, he vouches the guard is the kindest and most convivial fellow in the world, feigns drunk, insists upon the other drinking at his expense; let it suffice, he keeps the poor watchman engaged till the signal is given by the confederates that all is right, when he takes his departure, leaving a shilling for another glass for his dupe, thus making certainty doubly sure. When the watchman shows no disposition for intercourse, the man planted upon him merely watches his motions, so that, if possible, he may give his associates notice of any movement which may prove destructive of their designs. An old thief, now a a receiver, went with two others to rob a city merchant some years ago; a guard usually slept on the premises. 'A plant' had been put upon him, the house he frequented had been discovered, a party was there to ply him with drink, and all preliminaries arranged, they entered about 11 P.M., having been prevented doing so at an earlier hour, the neighbourhood not

being sufficiently quiet. Shortly afterward a key was heard in the lock of the door; a moment's consultation was held to determine what steps should be pursued. The man who had the pistol planted himself behind some chests of tea, near the outer door; the one with the dark lantern got into the fireplace and stood erect; the other concealed himself at the back part of the place. Presently the door opened, and the guard came in grumbling and vowing vengeance on the heads of some boys whom he supposed to have put dirt into the lock, the wards having been strained in some measure by the use of the screw (picklock), and he finding a little difficulty in turning the key. Having entered, he locked, barred, and double-barred the door; all was total darkness. He then proceeded to the counter to find a tinder-box; but this, unfortunately, had been displaced and pushed to one side. Here again he thundered heavy imprecations on everything and everybody in the place; at length he found the box, struck a light, and set the lamp upon the counter. The man who had the pistol, and who was placed directly opposite to him, expecting a discovery to take place every moment, agreeably to previous determination, raised his weapon with the intention of shooting the warehouseman, should his eyes unfortunately stray in that direction: he was seen to be inebriated. Having placed the lamp on the counter, he unlocked a large side-drawer and took therefrom a blunderbuss and two pistols; these were placed at the head of his bed, under the counter. He then undressed himself, extinguished the light, and retired to rest. After a short time a loud snoring was heard; the man with the lantern first emerged from his hiding-place, the others soon followed; the fire-arms were removed from the watchman's bed; the man with the pistol placed over him, whilst the other packed up property, chiefly silk goods, to a great amount. A coach was at hand, they locked the door after them, and safely decamped with the booty."—*Fol. Rep. p.* 112; 8*vo. p.* 395.

Banks are plundered in a somewhat similar way to warehouses. This species of robbery is, as might be conjectured, confined to men at the head of the profession. The following account is given here of the process of bank-robbery.

"The scheme, unless the concern be a put-up one, is generally concocted by some of the swell-mob, who, from the annual tours they make through the country, have opportunities of knowing and gaining information from persons connected with such establishments. When a bank-robbery has been fixed upon, burglars are consulted; and now the thief experiences the advantage of maintaining 'an unblemished character for integrity' amongst his brethren, such men being chosen as parties in the present undertaking. The number engaged in a concern of this description is five or six men and a female. A meeting is called; they agree as to the likelihood of success; an equal stake is put down by each party, say 50*l.*, to defray expenses; and this sum has oftentimes to be repeated. Two are deputed to go to the place to reconnoitre, and gain what particular information they can, so that a somewhat conclusive opinion may be formed by the parties in con-

gress as to what particular part of the premises they must direct their operations, in what method an entry must be made, and other means necessary to carry on the work. One of the party is sent to reside in the neighbourhood of the place with a female, as man and wife. To take off any suspicion, this party becomes, *pro tempore*, a dealer in some line of business; his house serves as a safe closet in which their future plans are to be perfected; here all their false keys are altered, or, if necessary, new ones made; all their tools deposited; and here, the work being finished, they destroy that kind of property they may have brought away, which to them is valueless, but might lead to a discovery, as books, papers, &c. In most cases, three or four months are required, and several entries are actually made into the bank before a fitting opportunity presents itself to complete the work."—*Fol. Rep. p.* 212; 8*vo. p.* 396.

It seems that the burglars are often detected by making confidants of their women. The discovery has, according to this authority, most frequently occurred in the following way.

"Two women living with thieves are taking their 'drop of ruin' together; a quarrel arises as to the superiority of their fancy men in their line of life; one swears her man is the best burglar, and the other as stanchly upholds the superiority of hers; a species of jealousy arises, and each, to substantiate their case, tells the feats performed by their men, but in too loud a tone of voice; the conversation is overheard, and the necescary information is given to cause the apprehension of the offenders: or, in other instances, one of the females, fired with envy, perhaps in a state of intoxication, and thinking that by so doing she will deprive her acquaintance of that which she values so much, her fancy man, and thus gain a victory, gives the information herself to the police."—*Fol. Rep. p.* 213; 8*vo. p.* 396.

The following is described as the method pursued by the swell-mob (which is formed of six, eight, or ten well-dressed persons).

"They soon mark a victim; they follow him till a push occurs, either accidentally by meeting a group of people, or intentionally made by themselves. Two go before their man, the others close up behind; their victim is hemmed in, a push takes place, he is jostled and hustled about, the thieves cry out to those behind not to press so, the press is increased; the victim being surrounded, his pockets are presently turned inside out. No time is lost; if he does not readily raise his hands, but keeps them in his pockets, or at his side, to guard his property, his hat gets a tip behind, perhaps it is knocked over his eyes. To right his hat he raises his arms, nor does he get them down again till eased of every thing in his possession. His fob and vest-pockets are emptied by the thief standing beside him, and placing one arm against the chest of the dupe, by this means keeping his arms and head up whilst with the other he unbuttons the coat and rifles the pockets; the trowsers-pockets and coat-pockets are emptied by those behind, others

behind them immediately take the property. When the gentleman has been robbed, the signal is given to that effect: the push subsides. The person immediately discovers his loss, he looks about him, and is, in the language of thieves, 'stunned,' but no detection takes place; the mob move away in different directions, and again assemble and repeat their game. This system of thieving is nearly safe; it is practised with impunity in a push, and it may be conceived to be a very lucrative profession when it is recollected how readily, under the circumstances of a push, a person may be stripped of his property. This game is so general, that few men of sporting notoriety pass through life without having their pockets turned inside out more than once."—*Fol. Rep. p.* 213; 8*vo. p.* 397.

"There is a house in the Strand which has been celebrated for years as turning out a first-rate swell-mob; the landlord preserves good order and regularity, and therefore retains his license. Besides the habit of frequenting their houses of call, the swell-mob are to be found in the parlour of many respectable taverns or hotels. Their plan is to walk in, two together, and seat themselves apart from each other in the room; they call for their brandy and water, and engage in the common chit-chat of the day, till they perceive some well-lined pocket; this point gained, their victim is marked; when he leaves the room, the information is given by the one who perceived the booty, two keep him in sight, the others speedily follow, and on the first opportunity he is hustled as before shown. Any opposition is vain: should the gentleman by chance prove aware of them, the signal, being given, has an instantaneous effect, the attempt ceases, and the danger is over."—*Fol. Rep. p.* 214; 8*vo. p.* 399.

We give the concluding passage of this very curious paper, which contains some advice as to the best precautions against the before-mentioned plunderers of various kinds.

"Although the modes already described are the principal descriptions of thieving, they are by no means all, the varieties are innumerable, many equally deserving of notice; stealing wet linen is a distinct game, dog-stealing is another; but of all those minor depredating crimes undescribed, there is none so extensively carried on, and more manifestly injurious, than uttering bad money; this is a trade for the indolent, in which hundreds are constantly employed. The money passes through several hands: first there are the makers; silver is chiefly made in London, but gold at Birmingham; then we have the wholesale dealer, next the retail dealer, and last, the smasher or utterer, who, as usual, receives least of the 'sweets' and most of the gall attending the prosecution of this game: most of the dealers are Jews, and from the maker to the utterer each has his profit, but as a general rule the retail dealer purchases 6*l.* of base coin for 1*l.* sterling. One individual has for some time supplied most of the town smashers; he meets them regularly every morning at an appointed house, and supplies each according to their means of purchase for that day's issue, the sovereigns at 4*s.*, the crown at 10*d.*, half-crowns at 5*d.*, shillings, 2½*d.*, &c.

"To guard successfully against the above plunderers of society is a task of no little difficulty; we must allow experience to be a good guide. Pickpockets say, that if a handkerchief be carried in the inside coat-pocket, hat, or even pinned in the outer pocket, they are foiled. Shop thieves say, if a till be locked or a nail at the back part to prevent it drawing entirely out they are balked. Pickpockets say, if they get a man into a push he must be robbed, unless he is aware of them; if so their cant words will save him; if he keeps out of a push, his cash is in an inside pocket, his watch well guarded by a chain, or wears a cloak in the season, they are foiled. The house-breaker says, a plate of sheet-iron on the inside of the door foils him in his attempt at paneling, and that Chubb's lock gives a great deal of trouble in opening, but Bramah's has as yet defeated all their attempts. The thief who robs shop-windows says, wire-gauze curtain inside the glass foils him; the thief who robs shops by 'palming,' that the shopkeeper must be aware of the game of palming to guard against his attacks. And the most notorious smashers say, that bad gold is known by its deficient standard weight, bad silver by its malleability and greasy feel."—*Fol. Rep. p.* 215; 8*vo. pp.* 399, 400.

The next class of depredators who perambulate the country (*transient persons* as the Yankees might call them) is composed of the vagrants properly so called, who, as distinguished from the regular thieves of whom we have been speaking, may be, in the language of the return from the city of Lincoln quoted in the Report, described as "fraudulent "mendicants who prefer the licence of a low lodging-house, "the gin and tobacco, red herrings, dirty cards, and riot, which "always prevail there, to the discipline and dietary of a work-"house." Above 18,000 commitments yearly for vagrancy, mark the numbers of this powerful and prosperous body of Her Majesty's subjects. They are classified, and a somewhat minute account is given of their habits in the following autobiographical sketch of "an experienced travelling vagrant."

"He was bound to the master of a fishing-smack at Harwich: master went to the dogs, and he went upon the world. Got into the Rotterdam trade; brought a Jew home one voyage, who lives in Rosemary-Lane, (Rag-Fair); keeps a clothes-shop. The Jew persuaded him to smuggle; pointed out a locker to him, and suggested a false bottom; promised to buy all he would bring. The hint was adopted, and packages of snuff, tobacco, and strings of coral beads were brought over; about fifty packages in a voyage. The Jew kept his word, and gave about 2*s.* 6*d.* a package for tobacco; but he (B——) could not keep his situation. The locker was ultimately detected: he lost his ship, and at last his character, and his clothes, among the worthless classes at the dancing-houses in Wap-

ping, and near the dock-gates. About five or six months ago he took a wife and took to begging; thanks to the Jew.

"Beggars tramp about from town to town: there is a low lodging-house for travellers in every village; they tell the people that they are travelling to find work, but pray to God that they may never get it. They all go out 'to walk' in the mornings, and return at night to their lodging-houses, where they live well, and spend the day's produce in drinking. They are merry fellows, money or no money, and laugh at the people for 'flats.' They tell each other what houses are 'good,' and arrange their districts so as not to interfere with each other. Every tramper is accompanied by his fancy girl or his wife. A black fellow, who is well known about Deptford, and goes about the streets singing and dancing, takes his country journeys with two women, and makes plenty of money to pay all their expenses.

"The women who travel about with the trampers seldom go out begging; they sometimes disguise themselves as gipsies, and go fortune-telling. It is very profitable; they watch for the master and mistress to leave the house, and then try to get hold of the servants. They beg money, food, clothes, or anything; and if a silver spoon is in their way they will not 'tumble over it;' they will steal it.

"The price of their bed is threepence; always two in a bed; sometimes ten or fifteen in a room. 'Yokels' (countrymen) were seldom or never seen in the lodging-houses; but he has seen many during the last two months. Does not know why. They manage very badly; cannot get enough to find themselves in food. The regular trampers give them scraps to eat, if they have been unlucky in the day. A low lodging-housekeeper in the Mint has a similar establishment at Romford, containing twenty-four beds, which is superintended by his agent. 'Tiger-faced Sal,' at Wisbeach, alias Mrs. S——— R———, keeps the worst lodging-house he ever saw. She buys any stolen property; and her house is used by the most desperate characters.

"Some classes of beggars and trampers, and all bad-money passers, go to small public-houses, where travelling Jews and hawkers also put up. The low private lodging-house is always frequented, and only used by the following trades or callings. They all have their appropriate cant names. B——— described these classes as follows:—

"1st. Men who go about the country almost naked begging clothes or food. They get about 3*s*. a-day. They have good clothes at their lodging-house, and travel in them from time to time, if there are not many houses in the way. Before they enter the town, they take them off, as well as their shoes and stockings, put on their Guernsey jackets, send the bundle and the women forward to the lodging-house, and commence begging at the first house they come to. Knows a man who was recently clad from head to foot in new clothes at a shop in Billericay, by the son of the rector in a neighbouring village, all of which clothes, including hat, shoes, and stockings, he sold about half an hour afterwards, by auction, in the tap-room of a low public-house, to his companions, and they

all got drunk together with the proceeds. These fellows always sell a gift of clothes.

"2nd. Men who are ring-droppers. Travelling tinkers make sham gold rings out of old brass buttons. H——D—— is a noted fellow at this work; his wife and mother go with him and drop the rings. They live in St. Giles's, and travel for a month or two. They sometimes make 20*s*. or 25*s*. a day.

"3rd. Fellows who go round to different houses, stating their master's stock of rags has been burnt, or that a sudden supply is wanted, and that they are sent forward to collect them. The rags are called for, and one fellow marches off with the bundle, leaving one or more talking with the housewife, who is gravely caviling about the price, and as gravely informed that the master is coming round, and they leave some private mark on the door-post, which they say is the sign to indicate to him the quantity and quality taken, and the amount to pay; so they walk off, and 'never tip her anything.' The rags are carried to the keeper of a rag-shop, who gives quires of paper in exchange, which they carry round to small villages, and sell to small shopkeepers, or at farm-houses. All rag-shops, 'stand fence for anything,' and buy any stolen property, or metal, from iron hoops to gold rings.

"4th. A set of fellows who go about in decent apparel, leaving small printed handbills at cottages and farm-houses, wherein are set forth the wonderful cures of all sorts of ailments, effected by medicine which they sell. The following day these bills are called for, and the credulous people buy small phials of this nostrum, at various prices, from ten shillings to sixpence, according to the tact of the beggar, and the folly of the party. The mixture is only a decoction of any herb or rubbish that may be at hand. He (B——) was told by one of this class that he had just sold a bottle of 'stuff' to a poor woman who lived in a cottage on Warley Common, Essex, and who had been long ailing. She gave ten shillings for it, and it was only salt and water, some tea, and coloured green with nettle-tops. These fellows obtain more money than any other class of impostors, sometimes as much as 2*l*. a-week, and they seldom go to London.

"5th. Men who travel about the country in shabby-genteel attire, stating that they had been well off formerly, but are reduced by recent misfortune. Some are burnt-out farmers or shopkeepers; some first-class workmen out of work, owing to the bankruptcy of their employers; some captains, who have just lost their ships upon the coast. This story is always used after a heavy gale of wind. Some carry begging-letters, which are written for them, price 1*s*. This is very profitable, if well managed. The 'Lady Bountifuls' are great supporters of these fellows.

"6th. Fortune-tellers. Many women, when tramping with the men, dress themselves like gipsies, and contrive to get a tolerable daily booty, at least 3*s*. or 4*s*. a-day.

"7th. Trampers who have nothing to sell, but manage to live merely by begging.

"8th. Thieves—'prigs'—generally go in couples; walk into a country shop, where there is an old woman and a candle; buy something, drop a sixpence; get the old lady to bring the candle round to look for it, while the other fellow is filling his pockets with whatever he can lay his hands upon.

"9th. Match-sellers.

"10th. Ballad-singers.

"11th. Fellows who boil up fat and a little soap over night, run it out in a cloth, and next morning cut it up like cakes of Windsor soap. It's all bad, but they drive a good trade.

"12th. Fellows who go from house to house, stating that they live in some neighbouring town, and ask for 'umbrellas to mend.' An active fellow in this line will make a clean sweep of all the umbrellas in a village before dinner. These umbrellas are produced in the London market on wet days and dusky evenings.

"13th. A Jew seldom thieves, but is worse than a thief; he encourages others to thieve. In every town there is a Jew, either resident or tramping; sure to be a Jew within forty-eight hours in the town, somehow or other. If a robbery is effected, the property is hid till a Jew is found, and a bargain is then made.

"Utterers of counterfeit coin live well; they never beg. Tinkers utter a great deal; but the greatest utterers are gipsies; they make it in their tents at night; carry the moulds with them. They can be more secret than any other class of persons; they never sell it; only make it for themselves; stow it in a stocking, keep it warm, and pass it through a raw potatoe before uttering it.

"It is very seldom that gipsy men are in the tent at night; they return home about daybreak. The women and children always sleep in a state of nudity. Gipsies have clans; there is the Cooper family, the Stanleys, the Bucklands, and the Borslam. Old Gipsy B—— wears large thick silver buttons, as big as half-crowns, on his coat. The gipsies call each other brother and sister; support and help each other; only good to their own people; not generally drunkards; attend public-houses as fiddlers; a gipsy is never in distress. Farmers think they have the power to bewitch their pigs and poultry. The gipsy contrives to throw or drop something into the farm-yard, and if a pig or a fowl smells it, it is immediately devoured. In a short time the pig begins to jump about, much to the astonishment and horror of the farming-men; the fowls begin to fly and scream; in short, they are bewitched; and if they do not soon die, they are quickly despatched, much to the relief of the credulous farmer and his men: then the gipsy comes as if by accident, sees the carcase, begs it, and the farmer gives it in the hopes that the devil may play the same trick with the gipsy.

"B—— knows two begging-letter writers, Lawyer B—— and Captain M——. Lawyer B—— was a lawyer at Ipswich; was divorced from his wife, and lives in a very dejected state. He can write a capital letter, enough to make any of the 'quality people' cry. The begging-letter

people give him a shilling for a letter. He is now travelling as a match-seller.

"C—— M—— is a short man, not five feet high, dark hair: travels all over England, and writes begging-letters, but not so well as L—— B——. He is on the 'high fly,' and has been a tramping impostor about 23 or 24 years. His constant story is, that he has just lost his ship. B—— said that about the middle of this month (April 1836) this man obtained 10*s.* 6*d.* from a lady at or near Chelmsford; thinks it was L—— M——. 'Chelmsford, Sir, is a very good town. I have always heard a remarkable good character on it from people in the travelling system.'"—*Fol. Rep. p.* 32; 8*vo. pp.* 60—63.

The following recipe for cooking a turkey will not we believe be found in any modern cookery-book:

"I once quarreled with my stalsman (accomplice), and went and lived with some gipsies, whom we met at a fair. I was with them three or four months. We camped in different places in Lancashire, Cheshire, and Wales. The women used to go in a morning to the different farm-houses to tell fortunes, and if they saw anything worth fetching we went for it at night. If we got a hen or a goose, a duck or a turkey, we used to roll it up in clay, with the feathers on, and put it down at a fire, letting it roast itself with its own fat; when the clay was baked hard, feathers and clay would come off together; and on cutting it open, the entrails would come out in a lump. The plunder was always planted in the hedge, and a dog chained not far from it. One of them went to the towns grinding scissors and knives; he used to fence (sell) anything we wanted to get shut of."—*Fol. Rep. p.* 34; 8*vo. p.* 63.

Our "experienced vagrant" cannot be expected to have paid so much attention to speculation as to action, to theoretical as to practical logic, which may account for his classification being both redundant and deficient. He has placed one species of the thieves regular in his list (8th), and seems to have omitted altogether one very prominent species of vagrants whom every one must have encountered, we mean able-bodied fellows who go about in companies of from 2, 3, or 4, to 9 or 10, habited as sailors, evidently with a view of awing by their numbers into a compliance with their petitions. We quote a passage illustrative at once of the mode of manufacturing these *land-sailors*, of their style of begging, and of the character of the houses for the accommodation of migratory depredators and vagrants. "There are (in Llanfyllin)

"Three lodging-houses for tramps, one of which is the most notorious house in the parish. The constables are frequently obliged to enter it, espe-

cially about fair times, in order to quell the disturbances and excesses created by trampers. This disorderly house is kept by a woman known by the name of 'Old Peggy.' She never lets a tramp go to bed without money, or money's-worth, and the broken victuals a tramp brings home is sold by her to poor persons who keep dogs, such as rat-catchers, &c. One man told Mr. D——, a druggist in the town, that for twopence 'Old Peggy' would give him scraps enough to keep his dog for a week or more. This druggist stated that 'Old Peggy' has often come to him, saying, 'God bless you, doctor, sell me a hap'orth o' tar.' When first applied to, he asked, 'What do you want with tar?' The reply was, 'Why, to make a *land-sailor*. I want a hap'orth just to daub a chap's canvass trowsers with, and that's how I makes a land-sailor, doctor.'

"The tramps have lately increased beyond all calculation. About a fortnight ago two fellows, half-naked, went to a farm-house about a mile and a half from the town (the wife of the farmer only was at home) and pleaded starvation. The good woman offered food, when they threatened her, and said, 'D—n your grub, we want money, and must have it.' The woman had none, or she would, in her alarm, have given it to them, being terrified with their threatening language. The fellows at last consented to take food, of which they put a large allowance into their bags and departed, no doubt to sell it to their friend 'Old Peggy.'

"The constables of this town never interfere with the tramps, nor ever enter their lodging-houses unless the neighbours call upon them to enter in order to quell a riot, and as there is no place where these tramps are less annoyed, it is no wonder that they swarm in this district in proportion as others are more severe. The trick of going half-naked is new in this part of the mountains, although not so in other parts of the principality. As in other places, they travel with their women, who carry their warm clothing in a bundle.

"There are seven beer-shops in the town, besides nine public-houses. The serjeant-at-mace informed me that these beer-shops, as well as the public-houses, keep open all night, or as long as they have any customers whom they choose to serve with drink, and that neither he nor any of the other constables ever interfere with them, unless specially called upon, 'as they do not like to inform against a neighbour.' "—*Fol. Rep. p.* 37; *8vo. p.* 69.

To show that these vagrants obtain more money than can be obtained by a large proportion of honest labourers as the fruit of their industry, the Commissioners state that labourers have gone to the vagrants' lodging-houses to purchase for their own use the meat and refuse food, which they could obtain there at a cheap rate.

There is yet another class of sturdy vagrants which has of late made its appearance, we mean those persons who perambulate the country wearing a dilapidated red jacket, and representing themselves as having belonged to the British Legion in Spain.

We saw these fellows in such numbers last summer in one part of the country about twenty miles from London, that we were led to suspect that the British legion itself must be encamped somewhere in the vicinity. They were very insolent in urging their demands, for they could scarcely be called prayers or petitions, for charity. It is notorious that, at least in the southern counties, particularly those bordering on London, it is now unsafe for ladies to walk out alone unless they are prepared to give money to the sturdy vagrant beggars who infest those districts. Those men in the dress of sailors have been remarked to abound most after a severe storm. But the British Legion seems for the present to have absorbed a large proportion of the *land*-sailors within its ranks. When that story becomes stale, the scarlet jacket will again be converted into a blue one, for storms never fail.

With regard to the class of depredators who are resident in the provincial districts, the following extract will convey some idea of the sorts of persons of whom it is composed.

The answers from the city of Lincoln state, that

"It would be difficult to give their numbers with anything like accuracy. They are principally poachers, who make no disguise of their vocation, but proceed on their excursions, with their snap dogs at their heels, in the afternoon, before dark, and bring home their game in the light of the morning.

"It is stated that in the borough of Ludlow there are many such characters:—

"Perhaps forty in number, idle and drunk, who each keep a dog: no visible means of obtaining a livelihood.

"It is also stated that in the borough of Chesterfield—

"There are many—the number cannot be stated—their habits are to prowl about the borough and immediate adjacent villages, under pretext of begging or seeking work, but whose real objects are to look at the premises where they call, to see what booty can be gained by plunder at night.

"In answer to the inquiry as to the cause of the impunity of such characters, the authorities of the borough of Devizes answer:

"To no other cause than that they follow these practices in the adjacent country, and in places beyond the observation of the constables on their parade duty.

"A communication from the borough of Maidstone sets forth that there are—

"Many bad characters living in the town, who support themselves by committing depredations in the neighbouring villages. An effective rural police would put an end to such a practice, and the characters in question

would then be soon reduced to the necessity of either leaving the town or maintaining themselves by work."—*Fol. Rep. p.* 15; *8vo. p.* 25.

The following evidence of the Rev. Thomas Spencer, of Hinton, near Bath, gives a painfully vivid picture of the insecurity of labouring men's property in consequence of the impunity of these depredators:

"Are the labouring classes subject to such depredation to any extent in your vicinity, in your parish, or in the adjacent parishes, as the farmers are?—I should say that in my parish the greater number of complaints made latterly have been from labouring men. I should state that we have the allotment system; that there are sixty allotment tenants, which forms the large bulk of the labouring population; that they were going on with very great delight and prosperity; that every symptom connected with the people was promising; that we have, for instance, an adult school, and men that worked at their allotments in the evening would go afterwards to get themselves taught to read and write at night—a dozen perhaps at a time; a thing never known before. But all on a sudden I have found them discouraged. One person had a sack of wheat taken out of his little stack; another person had his potato-pit opened, and a quantity of potatoes taken from thence; and another person had another kind of property stolen; so that within one single week I heard that five or six of the allotment tenants had had their property stolen. I saw one of the tenants, who, having lost several sacks of potatoes, was actually putting a great number of sacks of potatoes into an inner room of his cottage, which he would have wished to have used, as he kept a little shop, not being able to trust them out in the potato-pit. He lost, I should think, not less than thirty sacks. He is a man who had just a short time before been boasting. When I said, 'Do you find any good from your land?' he said, 'I find this good: I have got potatoes enough to last me for the year; wheat enough to make bread for my family for the year; and meat enough to last me all the year;' having five pigs in his sty. I have another case of a man that interested me very much, not an allotment tenant, but a labourer, rather of a superior order to the labourers in general, inasmuch as the land he generally works in belongs to an aunt of his; he is distantly connected with a farmer, therefore I consider him as a little above the ordinary labourer: but he is a man who does a week's work for any one. I went to him at work in his field, and talked to him about his produce. He told me that it was with the greatest difficulty he could at certain times of the year keep his property from being stolen; that in the summer-time, about the time when he had got his onions and other vegetables in different parts of his garden, and late in the autumn when he had got his potatoes in his pits, he was obliged to watch, and to have generally a couple of dogs with him to watch in the field to prevent persons going along the road from taking his goods away. Sometimes he in one night lost as much as would be a month's earnings. I told him I was exceedingly sorry to hear it, for he is a worthy labouring man. It was a distressing thing for him to lose in that way. I said, 'Is it not very hard

for you, having to go to work the next day, to sit up at night?' He said it was hard. He has sat up for weeks together till it was light, and then, after a little sleep, he has had to get up and do his day's work. I said, 'It would be a very good thing for you if there was some kind of protection in the country.' 'Yes,' he said, 'there is no protection for us.' He expressed himself with great feeling: for a labouring man, he seems to have thought, and to have felt, that it was a hard case. I asked him, too, if he thought it was persons living in the parish? He said he thought not. Persons going along the road, passing by, have only just to get over the hedge, and pick the onions—two shillings' worth of onions are very soon got; they help themselves and go on. He thought they were persons coming from a distance, and going to a distance—that is to say, parishes in the neighbourhood.

"Is it to be inferred that these depredations fall with more frequency and greater severity upon the labouring classes than upon the farmer?—They are more felt by the labourer, and they are more dangerous, because with us, if that were to continue long, our allotment system would be knocked upon the head.

"And any accumulation of property by them frustrated?—All our hopes would be blighted. Now, if a farmer is protecting his property, and he is known to carry a gun, and to have savage dogs with him, as frequently they have, the thieves would be deterred. The farmer above-mentioned said he would try to be a match for them, for his gun was loaded. But the allotment system, making a great number of stacks and potato-pits, and the labouring men being obliged to go to bed, which to perform their work on the morrow they must do, it is easy for thieves to rob them."—*Pol. Rep. p.* 41; *8vo. pp.* 76—78.

In some parts of the country the law appears to be completely in a state of abeyance. Men seem to have returned to that state when, as Hobbes says, every man is enemy to every man, when men live without other security than what their own strength and their own invention shall furnish them withal. The case of Lieutenant Cole, an officer of the royal navy, who had purchased the freehold of some land near Rhayader, in Radnorshire, will illustrate this. Some of this land had been inclosed by the person of whom he had purchased. A neighbouring proprietor, an attorney, and from family connexions a person of some influence, asserted that the land attached to the house was common, and determined to dispossess him. *Lieut. Cole offered to meet any claim in a court of law, but this was refused*, and possession was taken of the land by several men armed with bludgeons, who broke open his gates, and turned his horses and cattle into his standing grass. The owner applied for the protection of the

civil force, and only succeeded after ten days' daily application in obtaining the aid of six special constables, since the ordinary constables were inefficient. He then took the cattle to the pound, but the aggressor came with a superior force, released them from the pound, took them back again to the lieutenant's ground, and kept them there by force. The owner again applied to the magistrate for protection. The reply to his application was, that he must get up a superior force to oppose the aggressor's force, who threatened to cut down his timber and destroy his house. No constables could be got to act; and at last, Lieutenant Cole was compelled to hire twenty-five men, strangers to the neighbourhood, arm them, and keep them on his property to repel the force of the assailant. The immediate agents of the aggressor were convicted of riot, but from the weakness of the means of protection from subsequent revenge, it was judged prudent to keep the sentence suspended over them. The main particulars of this case were corroborated by other witnesses, not interested. Lieut. Cole was asked—

"Was this an extraordinary event, or have such acts of aggression without law, or setting aside the legal forms, been frequent?—They are by no means uncommon; mine was a case without a parallel: because opposition in such cases is never attempted; the poor bend instead of opposing. Their feeling is, that might overcomes right, and that custom excludes the law; and they establish the custom according to their own interests.

"You then consider that this was not at all an extraordinary case, but a common case in the neighbourhood; proceeding to settle the thing by violence, there being, in point of fact, no law in these cases?—I consider this an extraordinary case, only because it was opposed. Generally speaking, a party fancying himself aggrieved takes the method most agreeable and shortest to himself, crushes his opponent, and with scarce a grumble it is yielded to.

"We understand that you wish to impress this upon the Commissioners as an instance within the locality, where no constables or anybody else could be trusted to act, independently of personal feeling?—That is true, most assuredly. I can declare most solemnly that, generally speaking, in that part of the country, that is the feeling."—*Fol. Rep. p.* 45; 8*vo. p.* 85.

This state of war of every man against every man prevalent in the remoter districts is further shown by instances of the impunity of rioters, by instances of unpunished murder and the escape of the murderers through negligence, and by the barbarous practices of the population on the coasts where

wrecks are of frequent occurrence. The evidence on all these points, which we have not room to go into in detail, presents a picture of a state of society, really little if at all removed from the savage state, existing in the island of Great Britain some 1892 years after Cæsar landed there and 1838 after the birth of Christ.

The Commissioners likewise devote a few pages to the subjects of the insecurity of single travellers on the highways, and the comparative security of single travellers on the continent, both of which they seem, we think, inclined to exaggerate. They also show that extensive depredations are committed on commercial property conveyed on roads and canals. The mode in which this system of depredation is carried on is described in the following confessions of two of the delinquents:

"I was in the employ of the Harrington Company when I was taken. The immediate cause of my first offence was want of sense, not of money. I was taught to pilfer by my fellow-boatmen. They used to swear them then not to 'split.' The whole crew were engaged in depredations, and I did as my companions did, and took goods of all sorts, which they sold to the different receivers on the canal. The captain was the salesman, and used to have two shares for his trouble and his risk, he having to make all deficiencies good. I last resided for the greatest length of time at Runcorn. About eight years ago an uncle of mine died, and I drew under his will 420*l.* I then commenced business in the grocery line at Runcorn, and purchased frequently purloined property from boatmen. Many of the boatmen's wives used my shop, and got greatly in my debt. I durst not compel payment for fear of 'them blowing me.' I was now much given to drink, so was my wife. I failed, and had to begin boating again.

"When boating, I always 'took a little of something every journey.' We might have been altogether stopped, by catching us, and transporting us. If a boatman had 12*l.* a-week, he would consider what he could pilfer as a perquisite. The highest sum I got was 25*l.* one trip. I never was apprehended before this time. We were always very careful of making up our packages to elude detection. We used to match the rope or twine packages were made up with.

"J. C., another depredator of the same class, says:—

"We employed our spare time in the evenings after work planning how we could get anything out of the packages. Whatever we got we could find a fence for. I supported myself partly by labour, and partly by crime for many years.

"The facilities and encouragement found for the commission of crime were, 'the easy way of getting shut of things.' Whatever part of the road you were in you could find a fence (a receiver).

"When not in honest employ I was maintained by poaching and stealing. We have many a time milked farmers' cows in the night. We had a borer for drawing sugar or dry goods: we slipped the hoop, made a small hole under it, and introduced the borer, and took what we liked. We eluded detection by the manner we made up our packages again; sometimes the warehouseman thought a pack had been opened; we tipped him something, and he would say nothing about it. The captain would keep a quantity of twine by him to suit the different packages we opened. When we took wine or spirits, we knocked a hoop aside, and made a hole on one side for letting out the liquor, and one on the other for letting in air; and when we had taken what we wanted, we put water in to make it up, and pegged up the hole, and replaced the hoop. Nothing would have altogether stopped us but the receiving-houses of the line being broken up; and if they had, there would be plenty others.

"We disposed of the property to regular receivers. Our fence master, when he wanted any article which he knew we carried, would meet us 10 or 20 miles on the canal, and assist us to get it out of the package. The highest sum I got on one trip was 9*l.* 17*s.* for my own share.

"It is impossible to tell how many depredations I have committed altogether. The hands loaded their own boats, and in loading, when we got a package we thought we could get anything out of it, we stowed it where we could easily get to it. If we got a package we thought we could make nothing of, we put it at the bottom of the boat. I don't think we ever went a trip without committing a depredation of some sort. Twenty-two years elapsed from my entering upon a course of crime to the period of my first apprehension.

"I got more every voyage by pilfering than my wages, either as a hand or captain.

"While engaged in a course of crime there was no hinderance. We never feared anything, for there are no constables on the canals. There are a few bank riders on the canal, but the driver gives us the signal, and we get the cloth down, and make all right.

"P. H., another convict of the same description, stated—

"I was induced to commit offences from being out of work, and getting to be a hand on a canal boat. I assisted in smuggling (opening packages, and taking goods out), and got my share of the money. I do not think there are any boatmen but what smuggle more or less. I have boated off and on for two or three years, and while working as a labourer, I have worked in the day, and poached at night. I was in work until a few weeks before I left Macclesfield. I never cared much about the constables. They have often met me when I have been poaching, and searched me, but they could not find anything. As an honest labourer, for factory work I got 11*s.* to 13*s.*; while I was boating I have made 50*s.* in one trip, by taking goods out of packages. I have cleared 5*l.* in a week by depredations, and sometimes been a week without trying to get anything."—*Fol. Rep. p.* 53; 8*vo. pp.* 100—102.

Let us now turn our attention more particularly to the

present condition of the machinery provided by the legislature for the prevention or repression of the evils set forth in the preceding evidence. We have seen, at least in some measure, in the introductory pages of this article, what that machinery was or was intended to be in its primary state. We shall see now that what remains of it is nothing but the shell or superficial appearance of that machinery; the substance, the interior, the machinery itself has completely crumbled away and vanished. Constables are still appointed throughout England with some of the same legal powers that have been in use for centuries; but that nothing more than the mere form remains will be easily seen by comparing the following description of the legal qualifications of a constable, given by Coke, with the qualifications now actually possessed by them:

8. Co. 42. "The common law requires that every constable should be *idoneus homo*, i. e. apt and fit to execute the said office; and he is said in law to be *idoneus* who has these three things, honesty, knowledge, and ability; honesty, to execute his office truly without malice, affection, or partiality; knowledge, to know what he ought duly to do; and ability, as well in estate as in body, that he may intend and execute his office, when need is, diligently; and not for impotency or poverty to neglect it: for if poor men should be chosen to this office, who live by the labour of their hands, they would rather suffer felons and other malefactors to escape, and neglect the execution of their office in other points, than leave their labour, by which they, their wives and children live: and the commonwealth consists in the well ordering of particular towns; and order will not be well observed in them but where the officers are *idonei*, i. e. honest, knowing, and of ability. . . . .And if one be elected constable who is not *idoneus*, he by the law may be discharged of his office, and another man, who is *idoneus*, appointed in his place.*"

It has also been laid down that "no man that keeps a public-house ought to be a constable."—Per Holt. Ch. J. 6. Mod. 42.

Now compare with this the actual state of the case, as set forth in the following evidence:

"The magistrates of the Newcastle and Ogmore division of Glamorganshire state—

"In addition to what we have already stated, we desire to express our opinion that the present constabulary force of this part of the country cannot by any possibility be worse than it is. The office of constable is one

* In the Commissioners' report this extract appears to be inaccurately quoted.

which, in rural districts, the hardworking, industrious labourer most earnestly shuns, and it is taken by the indolent and lazy only; by such as prefer earning a shilling or two, by serving a warrant or a summons, rather than by attending to their work. In towns the office is also invariably shunned by the industrious, but is sought after by indolent, low tradesmen and mechanics, who, preferring any occupation rather than their own trades, would prefer running about the country with summonses to remaining at home attending to their business. All the constables in rural districts, with very rare exceptions, are perfectly illiterate, but in towns they are generally able to read and write. There is one circumstance, however, common to both, and which is almost universally true; they regard the fees they earn by the office, not as they do their wages and the profits of their trades (which they apply in supporting themselves and their families, conceiving their families have a claim upon them to that extent, and to that extent only), but they regard the money thus earned as money to which their families have no legitimate claim, and they therefore spend it at public-houses and beer-shops. The whole of the police of this town (Bridgend) has for years consisted of a shoemaker, now aged 62, and a tailor, now aged 41, both of whom are very often intoxicated, and cannot in the slightest degree be depended upon.

"A magistrate of the division of Howdenshire, in the East Riding of York, states—

"A constable takes his turn as a duty and a task, and is utterly useless. He fancies his duties confined to his own small township, and won't move beyond it. I have known instances in which the constable has been sent for to quell a riot or disturbance, and he has returned for answer that he could not come himself, *but that he sent his staff by the bearer*. The jurisdiction is too confined. An extensive circuit should be given to a person to make it worth his while to attend to it, who would be up to his business and know the haunts of the idle and vicious characters. Two or three determined rogues might levy contributions on almost any village in this neighbourhood, and carry off all the inhabitants along with them, if they felt disposed to do so. In fact we have no rural police. The worst of characters have lived for years on the plunder of the community, a fact known to every body, yet no one has dared to molest them. With a proper police such characters could not have remained at large a month. Witness Snowden Dunhill, a name well known in Yorkshire.'

"An instance of this inefficiency is stated in the return from the Monmouth Union.

"In the case of a man who committed murder at midnight, the constable in the tithing of Colegird refused to get up from his bed, though repeatedly and urgently called upon; in consequence the murderer got clear off. I am of opinion that the annual constables are unwilling to exercise their power impartially against their neighbours and acquaintance, consequently the peace is frequently disturbed by serious disorders, without any effectual attempt at repression.

"The return from the shire of Craike, in Durham, ascribes the failure to bring offenders to justice to three causes.

"1. To a natural dislike on the part of the constables to make exertions, for which they receive no adequate remuneration.

"2. To a dread of retaliation on the part of the offenders, should any active measures be taken for their discovery.

"3. The natural sympathy between the culprits and officers as acquaintances and fellow-townsmen.

"The following are instances of the tenor of the evidence as regards inefficiency from want of intelligence and from want of due interest and responsibility, and from interests opposed to the due performance of the duties in question.

"The magistrates of the Lower Lathe of Sutton-at-Hone, in Kent, state—

"With most country constables there are local feelings and connexions which render them disinclined to an active, or what might appear to them a harsh discharge of their duty, without any inclination to connive at illegal or felonious practices.

"The magistrates of the division of Pevensey, in the Frant district, say—

"Our constables are appointed at leets for hundreds. They now attend eight sessions in the year at Lewes, twenty-two miles distant, for which they receive no pay. All they get are the expenses on a journey with prisoners on committal. It is too much to expect that a poor mechanic will travel from the centre of our parishes four or five miles as a constable to watch these beer-shops, nor at all times would it be safe for him to do so.

"The return of a magistrate at Bromley suggests that—

"It is not very likely that a keeper of a chandler's shop would unnecessarily visit his customers' houses to look after thieves, or to make them shut their houses. I have ordered them to go; one did, the other did not: the one who went sat himself down in the house, and called for beer.

"The magistrates of the division of Halton, in Bucks, state—

"Often the very great reluctance on the part of constables to execute their warrant, from fear or prejudice, causes the offender to be at large. For instance, the constable of Wendover, William Haycock, has had a warrant to apprehend Stephen Brandon about twelve months, and has, according to his own account, seen Brandon often, and has not apprehended him.

"The magistrates of the Leath Ward division, Cumberland, state—

"That the custom of selecting the constables afterwards appointed by the justices is by house-row; therefore, persons of all classes must necessarily serve the office, those only being excepted who are exempt by law. Some are allowed to find substitutes. Keepers of beer-shops and other unfit persons have often been appointed by the courts leet.

"In answer to the query, 'What is the number of constables in your division, and how are they appointed?' the magistrates of the petty sessions at Alfreston, in Derby, state—

"About fourteen, appointed generally by the inhabitants of the parishes and townspeople; and, in almost every instance, persons quite unfit and afraid to perform the duties of the office.

"Mr. Disney, a magistrate acting at Ingatestone, Essex, observes—

"The appointing constables as done now, with every inducement, from

connexions, &c., to neglect or favouritism, is the prominent evil of the present system; there never will be an efficient protection till the constables are made responsible to a system of superiors, for omissions as well as commissions.

"The magistrates of the Newnham district, Gloucestershire, state—

"That the constables are appointed from courts leet or hundred courts, and are generally chosen from the lowest class of tradesmen, without any regard to their fitness for the office."—*Fol. Rep. p.* 101; *8vo. pp.*194—196.

Compare the following instance of the state of the constabulary of Somersetshire with the dictum of Lord Chief Justice Holt quoted above, viz. that *no man that keeps a public house ought to be a constable.*

"Some time ago, at between three and four in the morning, a farmer on the Mendip Heights went into a field to attend his sheep, and after being a short time there, he perceived two men going into the field, and putting a halter on a horse's head, mounting it, and riding out on the high road. He immediately mounted his horse and followed the men to a public-house, where he saw them stop. He rode as fast as he could to the public-house; the men were then in the act of drinking beer. He told the man at the public-house, who was a constable, that there were two suspicious people in his house who had taken a horse out of 'Farmer So-and-So's field,' and that he ought to detain them. The man said, 'I cannot do it, I have something else to attend to; I have my brewing to attend to to-day; somebody else must do it.' The farmer remonstrated. He said he could not do anything in it. The men left the house, and the farmer followed them to another public-house farther on. The excuse that the man made there was, that he had his cattle going to the fair, and that he could not give up his time; that he was not sufficiently encouraged, or something of that sort. The farmer, determined not to lose sight of the men, mounted his horse again, and followed them, when they were detained at length by a police-officer and another man."—*Fol. Rep. p.* 103; *8vo. p.* 197.

The answers given in the confessions of habitual delinquents to the question "Were your practices and pursuits in any way influenced by the fear of the constables?" exhibits forcibly the total inefficiency, the absolutely "prostrate condition," to use the expression of the report, of the whole force, and the difference between that and the trained constables.

"We never feared meeting the township (*i. e.* parish) constables, for they never would have searched us, but would have been glad of a hare or aught else we would give them; but if we heard of a county (*i. e.* a trained) constable being in the neighbourhood, we would hide ourselves for the day in some hay-loft or barn, or such like place.—J—— B——, aged 22.

"I feared the constables (meaning the paid constables) both before I had

committed a depredation and after, and went into the country to get out their way.—G—— A——, aged 19.

"I was obliged to do my work a deal cleaner in a large town than in smaller ones. I never thought much of constables in a small town.—T—— K——, aged 22.

"No. We never went to any large town, and we did not think anything of country constables. We have given the constable a glass if we met him in a public-house.—W—— P——, aged 14.

"I never was afraid of the constables in country towns. In large towns I never did much, and always kept out of the way.—J—— R——, aged 17.

"Certainly. I was always afraid to meet those (meaning the paid constables) who knew me, especially as they knew my line of life.—T—— W——, aged 23.

"In twelve examinations returned by the governor of the Essex county gaol, and in each of the twelve, the question is answered by 'No' or 'Not at all.'

"I was never much in fear of the constables; they never said anything to me unless there was a warrant out.—W—— C——, aged 22.

"If I met some of the constables (*i. e.* trained) in Manchester, they were sure to search me. I always got out of the way if I could.—J—— H——, aged 19.

"I was afraid of meeting the old knowing officers at Liverpool; they knew me and used to frisk (search) me.—J—— B——, aged 20.

"I was afraid of them (*i. e.* the paid officers) in large towns, but I cared very little for them in small towns.—T—— J——, aged 17.

"Not much in the country towns; the people in the lodging-houses would put us up to them. When we have gone into a country fair we have offered the lower order of constables drink and money, and some of them have taken it; but the town constables would pull us up directly if we tried it.—J—— H——, aged 37."—*Fol. Rep. p.* 104; 8*vo. pp.* 198, 199.

But some of the instances given by respectable witnesses show the uselessness of this body to a degree that, notwithstanding the grave nature of the evil they illustrate, is quite ludicrous. In the evidence we have already quoted, a Yorkshire magistrate states that he has known instances in which, when the constable has been sent for to quell a riot, he has answered that he could not come himself, but that he sent his staff by the bearer. Another witness, a gentleman conversant with the state of the rural administration in the counties of Cumberland and Westmoreland, deposes, that in case of beer-shop disturbances or general riot, this functionary says, "Nay, I mun gang out at way for I'm constable." And the following fact occurs in a communication made by George William Newton, Esq., magistrate for the counties of

Derby, Chester and Lancashire: "The ostler at the inn "where they put up was found dead in the privy at noon, "and on this being told to Mellor (the constable), 'yes,' he "said, 'I saw him dead *there* three hours ago, but I have had trouble enough in finding one dead man: I'll be ——— "if I ever find another.'"

From all this it is perfectly evident, that the present constabulary force of England is no longer that which not merely the *spirit* but the *letter* of the law of England requires it to be: and therefore

III. We have now to consider, what means are to be devised for the restoration of the system to something of its original efficiency; or at least whether it be possible to devise any means for the establishment of some efficient machinery for the protection of person and property in England against depredators.

And here we would devote a few words to an objection which we foresee may be made to this report, and to the plan proposed by it for the reform of the constabulary force of England. It may be objected, that, because some sorts of depredation which were not before generally known are shown to be practised by certain portions of the labouring classes, this report displays a spirit hostile to, or at least unjust towards, the poorer classes; and further it may be objected, that the plan of reform proposed by the Commissioners is at variance with that principle of English government which leaves a large portion of the management of their own affairs in the people's own hands.

In regard to the first: although it is true that the report exposes, and very properly exposes, certain depredations by workmen, servants, and others of the same classes, it shows very clearly and forcibly that the honest and industrious labourer, so far from being a gainer, is really far more a sufferer than the rich man by the depredations of all kinds, which are the consequence of the present total want of protection to person and property in the rural districts of this country. We have already quoted a very striking passage illustrative of the sufferings of the industrious poor, in consequence of the produce of their little gardens being altogether unprotected against the depredations of the idle and dissolute, who

find it easier and more pleasant to live by plundering the fruit of others' labour than by any honest labour of their own. The property of the rich has its special guards in servants or private watchmen: they travel little on foot, and their known means of redress in their wealth is in itself a powerful protection. In illustration the Commissioners cite the evidence of the Rev. Thomas Spencer, the rector of Hinton, near Bath, who, in his examination with relation to several districts, comprehended chiefly by the Bath Union, of which he was the chairman, describes the influence on the different classes of society of a number of bad characters, persons unemployed by day and supposed to be thieves by night.

"I could point out some of those people living without any known means of employment by day, but taken to prison at various times for being caught in depredations by night.

"These characters being, as you state, on the prowl by night, is it generally known what is the effect on people in the district?—If I travel by night, country people express their surprise. There is scarcely an individual of my parish that would not express his surprise at a person being out after dark. 'I never like to be out after dark,' say wealthy farmers to me frequently, and to my astonishment. I was mentioning that to a gentleman the other day as being a thing that persons in the country, from so many unfavourable circumstances, not having the protection of a constabulary, or gas-lights, and other conveniences of a town, are greatly inconvenienced by not being able to go out at night; he said, 'I go out at night.' Why, I said, that makes all the difference; you have your carriage and two horses, and your coachman and footman, and may travel, perhaps, with perfect impunity; but when a man has a single horse, or a single horse and gig, and has a country of hills a mile in length, or when they are on foot, it is a different matter: and the same person who would be in danger in the one case would not be in danger on the same road, if he travelled as a person of large property does—in his own private carriage;—a gentlemen's carriage is not in much danger.

"He having a coachman?—A coachman and a footman, and perhaps two or three inside, therefore it is a more formidable thing to attack; but a private individual is without any protection. It is the case very frequently, that two or three nights in the week, sometimes two or three hours after dark, sometimes nearly midnight, I am out; and, unless it is just within one hour of sunset, I scarcely ever see a person on the road.

"Does not that practically operate as a discouragement to reside in the country, on the parts of persons of small means?—There is everything to drive a man out of the country at this very moment; and, as an individual, I feel if I were not tied by my engagements as a clergyman, and were to consider my own convenience rather than a sense of duty, I should not reside in the country. It is the last thing that any person in my si-

tuation would do, to choose a country life, because of the want of the advantages which are possessed in a town, such as the want of security, or of anything in return, in fact, for the taxes I pay. I feel I pay in taxes to the Government a considerable sum, and that in return I am not conscious that I am protected in the least degree in the world."—*Fol. Rep. p.* 119; 8vo. *p.* 228.

In regard to the second objection, the English have an idea that the advantages which they enjoy as a people are in great part owing to those local institutions, which, by not only inducing but compelling them to take part in the management of their local affairs, that is, the affairs of their respective parishes, townships, and corporations,—such as the electing and superintending the conduct of overseers and constables, or officers for relieving the destitute, and keeping the peace in their respective localities,—accustom them somewhat to public business, to deal with interests somewhat larger than those of their respective families, and thereby enable them more effectually and usefully to interfere, on occasions where interference becomes necessary, in the regulation of the affairs of the whole kingdom, or in other words, of the central government of the country itself. In order to know how much of truth there really is in this idea, it would be necessary to know how much of truth there is in the subsidiary ideas or propositions on which it depends; for instance, how far the people of England really do interest themselves effectually in the management of those local affairs; or how far they neglect them and leave them to the discretion, in each district, of a few bustling fools who cannot take care of their own affairs,—or a few sordid jobbers, who can make a great deal more by managing the affairs of the parish *gratis* than they could make by any other employment of their time and talents, and who in fact do the parish business very ill, and at a higher price than the parish could by any possibility pay, even at the highest rate, to regularly salaried and openly elected functionaries. Of one thing, however, we are pretty certain, namely, that between England and countries where, as in France and Prussia, the central government or supreme executive performs, not only all the general and central but likewise all the local and special functions, we find a striking difference in the capacity of the respective peoples for the

conduct of public matters. The English have generally evinced a practical good sense, which appeared to have been taught by long experience, while the French have often acted as if they knew nothing of the management of affairs but what they imitated in a truly schoolboy fashion from Plutarch, or "*Tite Live*," as they term him. Whether this difference be very much or at all attributable to the cause mentioned above, the English people think that it is; and in any measure, therefore, for the improvement of the English constabulary, the greatest possible quantity of this element should be left, and combined with another element which we have now to consider.

We have seen that the most prominent and formidable classes of thieves are migratory, that is, they move to and from London as a centre. St. Giles's and Saffron Hill are the two great *termini* or centres into which their eccentric, comet-like orbits ever and anon return. They can now also avail themselves of all the facilities for rapidity of movement which the advance of civilization affords. It is evidently quite impossible for a local police, such as our present parish constables, to follow the rapid and skilfully-conducted circumvolutions of such masters of their profession as the present highly cultivated race of thieves and vagrants. We have seen in the evidence quoted that such thieves and vagrants laugh to scorn the ancient constitutional functionaries. It is evident that the many and various advantages of easy and rapid locomotion afforded by steam and railroad conveyance to the practised and skilful hordes of depredators who traverse the whole of Great Britain at the present day, can only be met by combined arrangements extending along the main roads over the whole kingdom; by arrangements under which the force of several counties may be combined, or the constabulary of any one county directed to particular points, in such manner as can only be effected by an authority seeing and extending over all points at once. It is preposterous, in a nation calling itself civilized, that the thief should avail himself of all the advantages of civilization in the prosecution of his objects, and that the community upon which he preys should not make use of the same advantages to protect itself against him. Formerly the local "hue and cry" was at least

on a level with the thief's means of escape; besides being, as we have shown above, a real and substantial *hue and cry*, followed up from parish to parish and from county to county, on foot and horseback, with efficient arms and with a zeal and activity suitable to an age when all men were in some degree soldiers, and to a real responsibility to the supreme executive. But since the *hue and cry* is a nonentity, and responsibility no longer exists, it must follow, that all the advantage is now on the side of the thief, who, with more mature knowledge of his profession and all the advantages of rapid locomotion, has to contend against the mere effigy of the once vigorous Anglo-Norman executive. A passage of the Report will tend to place this in a still stronger light. Speaking of the various modes in which an efficient constabulary force would be of use, the Commissioners say, the "(county) "superintendent would also attend with an adequate force at "the assizes; and instead of the escort of men called javelin-"men, the ministers of justice would be attended by an appro-"priate force, inspiring respect by its reality, its efficiency, and "respectable bearing." (§ 259.) Now only think that these javelin-men are a sort of relic of the escort of horse,

> "With a chafron of steel on each horse's head,
> And a good knight upon his back,"

which accompanied the king's *Justitiarii in itinere*, justices in eyre, on their circuit through the kingdom! Only think that these miserable scarecrows,—of whom one resolute, well-armed man might rout a hundred, and who absolutely throw an air of ridicule over the grave and momentous proceedings of which they form a part,—are the representatives of a body of those Norman lances, before the shock of whose serried spears all that opposed them went down from the Spey to the Euphrates, and two hundred of whom, with their steady and disciplined valour, and

> "———clad in steel,
> All cap-a-pie from head to heel,"

were, according to the lines in Sir Walter Scott's 'Antiquary,' a match for twenty thousand highlanders!

When we consider this, we see how very much things must have changed; how completely what now remains of the an-

cient civil executive of England is the mere shell, the mere shadow of what it once was.

In devising any plan of Constabulary Reform the great difficulty will be, to combine the advantages, whatever they were, of local management with those of a general system under the immediate direction of the supreme executive. In order to meet this difficulty, and to attain the object of combining those two classes of advantages, we think the Commissioners have framed their proposed plan with great skill. The principle of organization and appointment on which they proceed, is the converse of that adopted under the Poor Law Amendment act. "Under that act it was provided that the "appointments of officers should be by the local authorities; "but that the control of the appointment, by dismissal or "otherwise, should be in the commissioners. On account of "the acknowledged necessity of obtaining men from a trained "force, unconnected with the districts, and of changing them "from time to time, as well as of reducing the numbers within "any district, we propose," say the Commissioners, "that the "appointment should be with the Commissioners of Police, "and that the magistrates should be invested with the control "of the appointments by the dismissal of the constables, or the "removal of the chief officers appointed." (Report, § 280.) This, we think, will meet the case admirably. There are two classes of interests at work among the inhabitants of every particular district: one of these two classes strongly leads them to protect their persons and property by the appointment of proper functionaries for that purpose; the other still more strongly impels a section of them, more or less numerous, but a minority of the whole body, to make the end of protection against depredators subservient to another end, viz. the appointment of certain persons to fill the offices in question, which persons, though of acknowledged incapacity for the due performance of the duties entrusted to them, they have an interest in appointing, which outweighs, in their minds, the fear of any risk to their own persons and property from such appointment. This section moreover, though a minority, being very active in the pursuit of their sinister interests, are generally found to carry their objects against the more inert majority. Now it will be seen, that by the plan

proposed by the Commissioners, the latter of these two classes, or the class of sinister interests, will be completely neutralized, while the former will be left in full force and operation. Thus the maximum of advantage from local superintendence and control will be combined with the new advantage arising from the proper selection and training of the functionaries, and from an authority placed in a central position, and so enabled, by taking in at one view all parts of the kingdom, to make movements and form combinations with a precision and rapidity calculated to counteract the skilful combinations and rapid movements of the present race of thieves, or any other classes of law-breakers. The latter portion of the plan, that, namely, which has reference to general and central direction, as distinguished from special and local, might be carried into effect by an extension of the trained metropolitan force, which has been already tried, and given satisfaction; and "our chief recommendation," say the Commissioners, "is, in substance, in favour of an extension of that force."

The Commissioners propose that the adoption of their plan should be gradual and even voluntary, for which they thus give their reasons:

"§ 281. In the next place, we consider that were a sufficient body of trained men immediately available to ensure success, it would be the best course to proceed with its local organization gradually and tentatively. If the Act for the establishment of the Metropolitan Police be examined, it will be seen that it rather supplied the means of establishing a police than prescribed any fixed plan. We consider that the success of that measure is chiefly ascribable to the course of proceeding which was adopted, with the advantages derived from experience on the spot, and the use of wide discretionary means to meet new and unforeseen exigencies. In the organization of a rural or provincial constabulary force time would be required for the arrangement of the force in the several divisions, for the selection of stations, and the adaptation of attendance on the magistrates at the petty or quarter sessions, for providing the performance of such miscellaneous services as those we have described, and for other arrangements which involve much consideration of details. After a trained force had been appointed, particular districts, comprehending a population similarly situated (as the whole of a manufacturing district), might be formed, with appropriate centres for direction, though still in subordination to the general directions emanating from the general source of authority. To these centres, comprehending more than one county, immediate communications might be made, and much business might be transacted there without direct reference to the metropolis. The most convenient arrangements, how-

ever, for general efficiency, could only be suggested by the course of actual experience; and a wide discretionary power should be given, in order to secure to the public the advantages of their adoption as they arise. The arrangements for the efficiency of such a force would be considerably influenced by a new power, namely, that of more rapid locomotion by the railroads: by these new modes of conveyance the chief force in the metropolis will practically be brought two-thirds nearer than heretofore to the greater part of the country, and to parts of some counties it will, for practical purposes, be brought as near almost as the county-town is to them.

"§ 282. By the gradual course we propose, the advantages of progressive experience would be ensured, and a large proportion of the community would be propitiated by the well working of the force. It appears to us to be so far important to obtain the zealous co-operation of the magistracy, or of the leading inhabitants, in aid of the constables in the districts where it is introduced, that we would propose to make its introduction extensively dependent on their votes. If we are not much misled it is probable that the voluntary demands for a trained force would keep pace with the means of supplying them. A further advantage connected with this course would be, that the constables would so far feel it to be their interest to propitiate the people of the district as to lay the foundation of a habit of attention to their wishes in minor but useful services.

"§ 283. We have already stated that applications have been made from nearly every parish on the exterior of the boundary of the Metropolitan Police to be included within it. We see no reason to doubt the general and voluntary extension of this desire especially in favour of a force expressly organised to meet the wants and conveniences of the rural or provincial districts aided by the contribution of a portion of the expense. Should, however, this expectation not be realised or not valued to the full extent, an opportunity of judging of the supplementary measures which might be requisite would still be gained to the legislature."—*Folio Report, p.* 177; 8vo. *pp.* 338, 339.

As we, deeming this subject of importance, have gone at some length into the evidence and conclusions founded thereon, it may be convenient to the reader to give the Commissioners' recapitulation of some of the chief conclusions set forth in their report.

"I. Having, with a view to judge of the extent of any requisite remedy by means of a paid constabulary force, made a general investigation as well to the state of crime as to the present state of the unpaid constabulary, we find in respect to the state of crime,—

"1. That the public information as to the number of crimes committed, inferred from the extent of crimes judicially pursued and punished, is widely erroneous. (§§ 1, 2, 3, 4.)

"2. That there is an average of upwards of 100,000 commitments an-

nually to the gaols of the able-bodied population of England and Wales for criminal offences. (§ 12.)

"3. That there are from 11,000 to 20,000 persons constantly in the criminal gaols, of which number a large proportion are persons known as living wholly by habitual depredation; and from inquiries made in a large number of the individual cases of prisoners confined for thefts in these gaols, we find that on the average such prisoners in the rural districts, where there is no trained constabulary, have been at large living by depredation during average periods upwards of five years; and that the criminal prisoners in the gaols in the towns, where there is a paid and trained force, have not been able to pursue their depredations more than half that time. But that nevertheless, in either districts, prisoners are liberated with the prospect and the temptation of a career of unknown but long duration for the future, before permanent removal by process of law or by natural causes. (§§ 10, 11.)

"4. That with relation to the particular crimes committed by such habitual depredators, no information is possessed by the unpaid constables. (§§ 1, 2, 3, 4, 5, 6.)

"5. That it results from a special investigation of the habits of the classes of habitual depredators; that a large proportion of them are migratory; that they migrate from town to town, and from the towns where they harbour, and where there are distinct houses maintained for their accommodation (§§ 35, 36, 37, 38, 39), they issue forth and commit depredations upon the surrounding rural districts; the metropolis being the chief centre from which they migrate; and that they harbour in provincial towns in proportion to their magnitude, and in proportion to the facilities for plunder or to the absence of protection in the surrounding districts. (§§ 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.)

"6. That, judging from particular cases in which we have made inquiries, a large proportion, if not always the majority, of prisoners in the county gaols, for offences committed within the rural districts, are persons who have migrated from the towns to the rural districts. (§ 24.)

"7. That from the impunity enjoyed by the classes of depredators, migrant or resident, property is rendered insecure; in some places so much so on the part of the labouring classes as greatly to impair the value of property to them, and their motives to industry and frugality. (§§ 31, 43.)

"8. That in the rural districts agricultural produce is subjected to extensive depredation, which often interferes with the most advantageous course of production. (§§ 41, 42, 43, 146, 147, 148, 207.)

"9. That a large proportion of the highways is left without any protection whatsoever from any constabulary or other civil force. (§ 51.)

"10. That on the highways of a large part of the country commercial travellers and strangers who travel singly, otherwise than by public conveyances, and carry money about them, abstain from travelling after dark, from fear of robbery and violence; and that farmers return from market in company, from the like fear, after dark. (§§ 51, 207.)

"11. That the products of commercial industry *in transitu* on the high-

ways being almost entirely without protection from any civil force, are subject to extensive and systematic depredation. (§§ 52, 53, 55, 56.)

"12. That in the absence of due protection, property carried by sea in ships which are wrecked on those parts of the coast where shipwrecks occasionally or frequently occur, is subject to extensive habitual depredation, and life is endangered or lost under circumstances of barbarity disgraceful to a civilized nation. (§§ 58, 59, 60, 61.)"—*Folio Report, p.* 180; 8*vo. pp.* 343, 345.

"III. Having specially examined the state of public security against breaches of the peace in the maunfacturing districts, we find,

"1. That the free investment of capital and employment of labourers, and the progress of manufacturing industry, is impeded and endangered, and combinations carried on by violent and unlawful means; that murder has been resorted to, and that threats of murder, and arson, and personal violence are resorted to by such combiners as means to effect their objects. (§§ 66, 67, 71, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86.)

"2. That for the prevention of the disturbances peculiar to such districts, as well as for the prevention of the more ordinary breaches of the peace, amidst the new and increasing population, no other efficient force than a military force is provided. (§§ 86, 88, 89, 90, 97, 130, 131.)

"3. That such force is inadequate for the purpose of the prevention of disorders, and that from the reluctance which is felt in having recourse to it for the purpose of repression, it is rarely used until considerable evil has been occasioned."—*Folio Report, p.* 181; 8*vo. p.* 345.

"IV. Having specially investigated the state of the constabulary force and the execution of the constitutional principles of penal administration connected with that force, we find,

"1. That the early constitutional principles of local responsibility for offences committed, by compensation to the sufferers, or by amercements to the crown, has been impaired; and that there does not exist an adequate local interest to ensure the adoption of efficient means for the prevention of crimes, especially of crimes committed against the persons of strangers, travellers, or wayfarers. (§§ 99, 105, 106.)

"2. That in the majority of instances, the courts leet, or other functionaries charged with the duty of appointing fit and proper persons to act as constables, do not appoint persons who possess the requisite legal qualifications in respect of intelligence, substance, character, and connexions. (§§ 112, 125, 126, 127.)

"3. That the modes of carrying out the early constitutional principles of action of a constabulary force, of seeking information of offences, felonies, or misdemeanours committed, and of instituting quick and fresh pursuit for the apprehension of the offenders, have fallen into desuetude, and that no new modes adapted to the present circumstances of society have been introduced. (§§ 102, 103, 116.)

"4. That offenders, after having committed extensive depredations in one district, have recourse to another; the people in which, having received no warning, are enabled to take no measures of prevention; and

that until detected and pursued by some private individuals, usually at their own private cost, the depredators proceed without interruption by any public officers from district to district. (§§ 117, 119, 120, 121.)

"5. That the criminal law is often extensively dispensed with, and its execution left to the discretion of private and unauthorised individuals.

"6. That in consequence of the extensive dereliction of the constitutional principles of penal administration, self-protection is extensively resorted to by private individuals separately, as well as by individuals associating together for mutual protection. (§§ 117, 118, 122, 123.)

"7. That there are upwards of 500 private or voluntary associations for self-protection in different parts of the country, by the payment of rewards for the apprehension of felons and the expenses of their prosecution, independently of a large number of associations for self-protection by subscription for the maintenance of private watchmen; and of other private associations for the removal of various evils, such as the suppression of vagrancy and mendicancy, which it is the business of the government to prevent or repress. (§ 118.)

"8. That the protection obtained by such associations is in proportion to the cost extremely inadequate, and that the practice of investing private hands with public powers for their own use is fraught with much inconvenience, and some danger of mischief to the public by large associations. (§§ 57, 120, 121, 123, 124.)

"9. That the proper performance of the legal duties of constables in the present state of the law and circumstances of the community would require from persons otherwise properly qualified in respect to substance and character, a sacrifice of time and labour which would render the compulsory service of the office grievously burthensome, and that within the time allowed for such service the requisite information and experience for its proper performance could not ordinarily be obtained. (§ 134.)

"10. That it is essential to the proper performance of the duties in question that they should be performed by an agency specially trained, paid, and appointed, during good behaviour, for the purpose, and subjected to the control of superior and trained officers, who are themselves specially qualified and subjected to effective responsibility. (§§ 135, 136, 137, 139.)."—*Folio Report, p.* 180; *8vo. pp.* 345-347.

"V. Having specially investigated the cases of the trial of paid constables, in the case of the trial of a paid constabulary force appointed and controlled, according to an act of parliament for the county of Chester, by the magistrates at quarter and petty sessions (§§ 140, 141, 142, 144, 146, 147, 148, 149), we find,

"1. That the appointment and management of a paid constabulary force in separate divisions, separately managed at the discretion of the justices at the petty sessions of those divisions, is an arrangement of itself incompatible with any efficient and economical system for the prevention of crime. (§§ 155, 156, 157, 158, 159, 160, 161.)."—*Fol. Rep. p.* 182; *8vo. p.* 347.

"IX. Having inquired as to the mode in which such a force should be appointed, and the probable expense, we find—

"1. That it is essential for the efficiency and attainment of all compatible services from a constabulary force,—first, that the constables should be trained, or appointed from a trained force (§§ 155, 156, 157, 159, 160, 176, 187, 188, 195, 196); secondly, that neither by appointment or otherwise should they be privately connected with the district in which they act (§§ 125, 179, 180); thirdly, that they should at periods be changed from district to district (§§ 160, 180, 187, 209); fourthly, that whilst they should act under local direction for the performance of various local and administrative duties, for the repression of the practices of migratory depredators, vagrancy, and offences which concern the community at large more than the particular locality, they must act under general rules and principles, and in subordination to general directions from one general and responsible executive authority. (§§ 266, 267, 268, 269, 270, 271, 272, 273, 274, 290.)

"2. That such a trained and moveable force, under general and responsible direction, will produce greater advantages than at least double the number of untrained, irremoveable constables, acting more expensively under separate, independent, and voluntary, or untrained and irresponsible direction. (§ 241.)

"3. That the expense of a general and uniform force, which we believe would be adequate to the attainment of these objects, would be under half a million sterling per annum.

"4. That the saving from the services of such a force would be considerable; that, independently of the saving to individuals of the greater proportion of the money or produce now taken by habitual depredators, there would be much saving effected on upwards of two millions of money, now expended chiefly in the cost of repression and of punishment in various ways; amongst others, in the maintenance of delinquents in gaols, in transports, and in the penal colonies, as well as in the prevention of frauds upon the revenue. (§§ 247, 249, 250.)

"5. That much time, which we cannot accurately determine, would be required to obtain proper persons and fit them by training for the proper discharge of their duties, and to organise an efficient trained force. (§§ 252, 279.)

"6. That the only available district or trained force that can at present be obtained is the new Metropolitan Police force.

"7. That in the great majority of instances, or nearly all, of the successful trial of a paid constabulary force, have been instances where trained men have been obtained from the Metropolitan Police force, comprehending about 200 instances in towns and rural districts."—*Fol. Rep. p.* 183; *8vo. p.* 349.

The Commissioners propose—

"I. That as a primary remedy for the evils set forth, a paid constabulary force should be trained, appointed, and organised on the principles of management recognised by the legislature in the appointment of the new Metropolitan Police force.

"II. That for this purpose, upon an application in writing, under the

hands and seals of a majority of the Justices assembled at any quarter sessions of the peace for the county, setting forth the insecurity of person and property, and the want of paid constables, the Commissioners of Police shall, with the approbation of the Secretary of State for the Home Department, direct the location of such constables and such officers as may, upon examination by the said Commissioners, be deemed adequate for the due protection of life or property within the county.

"III. The force shall be paid one-fourth from the consolidated fund and three-fourths from the county rates, as a part of the general expenses of the whole county.

"IV. That the constables so appointed shall report their proceedings to the justices of the peace of the quarter and petty sessions where they are stationed.

"V. That the superintendents shall be subject to dismissal upon the representation of the justices of the peace in quarter sessions, and that the serjeants and constables shall be subject to dismissal upon the representation of the justices of peace in petty sessions.

"VI. That the justices of the peace shall frame rules and regulations for the service of process and attendance at petty or quarter sessions of such force, which rules shall be submitted to the Secretary of State, and, if approved by him, shall be binding.

"VII. That the commissioners shall frame rules and regulations for the general management of the police, which rules shall, on the approbation of the Secretary of State, be binding."—*Fol. Rep. p.* 184; *8vo. pp.* 350, 351.

The Report concludes with some remarks in answer to the supposition that such a force might be used against the political liberty of the subject.

"§ 298. The principles embodied in our recommendations being based on extensive experience, we feel confident that however they may for a time be impeded by adverse interests, those interests and the prejudices engendered by them will yield before the light of future experience which will lead to the ultimate adoption of measures on the principles of those we propose. If one uniform and trained force be efficiently directed to the prevention or repression of crime we cannot doubt of success.

"§ 299. We can find no solid grounds for the supposition often entertained that a large amount of crime is a necessary evil incident to the present condition of society, and that the most ignorant and base of the community may defeat the exertions of a well-appointed agency instituted for the repression of their crimes.

"§ 300. The appointment of a proper force for the prevention or repression of crimes has sometimes been viewed with apprehension, on the supposition that such a force might be used to impair the political liberty of the subject.

"If we were to admit that a diminution instead of an increase of the political liberty of the subject were the probable consequence of the establishment of an efficient constabulary force, we should nevertheless be prepared to show that the evils we have found in existence in some

districts, and the abject subjection of the population to fears which may be termed a state of slavery, which the objectors would endure from a groundless fear of the loss of liberty, form a condition much worse in all respects than any condition that could be imposed by any government that could exist in the present state of society in this country. We do not believe that in this country any government could possibly exist which subjected the people to domiciliary attacks, and to have their houses broken open and plundered, and their lives endangered at night, or which caused a large proportion of the population to abstain from travelling singly after dark for fear of being put in danger of their lives and stripped of their property by armed men,—which allowed its agents to pillage or maltreat the unfortunate people wrecked on the coasts, or which generally inflicted such evils as are now inflicted by upwards of 40,000 thieves, robbers, or marauding hordes of various descriptions, against whom the honest in almost every part of the country have been driven to associate for self-defence. Neither do we see any motives which could induce any government in these times to impose political restraints so oppressive or so mischievous on any industrious community as we find imposed by illegal means on the manufacturing population of the city of Norwich and other parts of the kingdom; nor do we believe that by any form of the abuse of the powers of a government it could use any such agency as secret committees have employed in the manufacturing districts to coerce the honest and industrious, but peaceable, to purposes injurious to them, by actual murder or the fear of life or maiming, or the threats of such fire and pillage as were displayed in the burning of the city of Bristol.

"§ 301. The apprehensions expressed of danger to the liberty of the subject from the institution of a preventive police are usually supported by reference to institutions having that name on the continent; but we believe it will be found that the notions prevalent as to the state and operations of such institutions are even more erroneous than those we have found prevalent on the state of the penal administration in this country. We believe it will be found that the police force in a neighbouring country, which has been referred to as a preventive police, is in no proper sense in sound theory or actual practice preventive; and that it has had none of the chief effects popularly attributed to it. Although organised for political purposes, to the neglect, as we believe, of the main purposes of a preventive police—the protection of private individuals in the enjoyment of their rights against infractions by depredators or others,—it has not saved the various governments which have depended on it, if any have; and in all large movements by the whole of the community it has been disregarded, or thrown aside as of no serious account. The trained force which we propose is of little more than one constable to 2000 inhabitants;—a force three or four times more numerous than that we propose were absurd as a means of constraining the whole community to any course which they felt to be inimical to them. What such a force might do with the tacit consent of the community, and what we believe to be most important for the liberty of the subject it should do, is to enforce the laws for the suppression of illegal conspiracies, riots, or dangerous violences, by which ignorant or fanatical or rapacious minorities may seek

their ends. Without the assent or aid of the community, that is to say, without information from the people, a police or constabulary force cannot perform properly even its ordinary duties.

"§ 302. The safe course for maintaining the freedom of the subject appears to us to be, not to render the authorities impotent, but to make them strictly responsible for the use of the power with which they may be invested for the public service. The securities respecting which the greatest anxiety should be manifested, are the securities that the power which the legislature may confer for the general advantage shall be fully used. The great mass of evil indicated in our Report is ascribable not to the abuse, but to the neglect and disuse of beneficial powers. The chief and proper objection, as we conceive, to the police forces abroad are, that they act on powers which are arbitrary: the force which we propose could only act on powers which are legal, and for which they would be responsible to the courts of law, and ultimately to the parliament.

"§ 303. What has been done partially in particular places, may be done generally and more completely throughout the country, by the more efficient application of the like means. If a constabulary force were well appointed and trained on a uniform system, and were placed under trained and responsible direction for the whole country, it would, we are assured, soon enable all Your Majesty's subjects to sleep under a feeling of security from midnight plunder and violence; it would give protection to the industrious classes in the enjoyment of property, and by enhancing its value create additional motives to industry and frugality; it would give freedom and security to travellers on the roads, and humane succour to natives, and hospitality to strangers thrown by shipwreck on our coasts; it would free the country from mendicancy and vagrancy, and the various evils that follow in their course; it would free the industry of the manufacturing labourers and increase the inducements to the investment of capital by protecting them from lawless violence; it would tend to secure the people from the alarms and dangers of riotous disturbances of the peace, by affording a powerful means of repressing them without the risk of military execution and bloodshed, without putting hostile parties in array against each other, without engendering animosities by arming neighbour to conflict with neighbour, and master with servant;—all this, and much more beneficent service it might be made to render at an immediate expense of less than one-fourth of the sum recently saved by one amendment in local administration; or, as we feel confident, all these great objects may be accomplished with an ultimate saving of the whole expense from upwards of two millions of money, now chiefly expended on what have been proved before committees of both houses of parliament, and pronounced by them to be, ineffective or demoralising systems of punishment.

"All which we now humbly certify to Your Majesty.

(Signed) (L.S.) CHARLES SHAW LEFEVRE.
(L.S.) CHARLES ROWAN.
(L.S.) EDWIN CHADWICK."

Whitehall-Place, March 27, 1839.

Article III.

1. *Journal of the Statistical Society of London.* No. 8. Dec. 1838.
2. *Algemeines Organ für Handel und Gewerbe.* 1839. Cöln.
3. *Anti-Corn-law Circular.* April 1839.

The principles of free trade have already on various occasions been advocated in this Review; consequently our readers must be aware that we are decidedly opposed to the invidious and impolitic restrictions upon the importation of corn. We have expressed our disapprobation of that antiquated system which bears so oppressively upon the manufacturing and commercial interests of this populous country.

It was impossible, therefore, for us not to feel some mortification at the result of the late division upon the question in a reformed house of parliament. This circumstance is the more to be lamented in the present state of the country, as it serves to afford some kind of pretext, a certain appearance of justification to the promulgators of anarchial principles, to the Chartist agitators, who have been of late but too successful in propagating disaffection amongst the operative classes.

On this account we were, we confess, disappointed that there were not found more liberals to swell the ranks of that honest and patriotic minority who stood up in defence of the rights of the many against the usurpation of the few. At the same time we cannot pretend to have indulged in any very sanguine expectation that the proceedings of the session would lead to a favourable result. Indeed, from the very circumstances of the case, the more reflecting politicians must have had a prophetic anticipation how the case would be decided.

The landowners have undoubtedly a certain immediate interest in supporting the existing Corn Laws. They constitute also an overwhelming majority in the lower house of parliament. Though, therefore, we may regret the circumstance, we cannot feel much surprised that they, like most other bodies of men, should have proved themselves to be

animated with selfish motives; that honourable members, in spite of their high-sounding professions, should have shown, when fairly put to the test, that they prefer their own and the interests of their class to those of their country.

In the ordinary course of human events, it is only by compulsion, more or less disguised, that any members of a society can be induced to forego advantages, however unfair and however detrimental to the interests of the majority, which have been, in their apprehension, appropriated to them by the right of possession. When, for instance, the material interests of a powerful aristocracy are, or appear to them to be, so nearly touched, in order to repel the antagonist force the whole moral energies of the nation ought to be brought to bear upon the question.

At this unanimity of opinion the country has not yet arrived. The change therefore must bide its time. As yet, a considerable proportion of the middle and operative classes acquiesce in the import duties as at present established. The requisite information has not hitherto been sufficiently diffused amongst all ranks of society.

The landowners have still to learn, that they mightily overrate the advantages they secure for themselves by the present system; that, although they do indeed take much from the country in general, and more particularly from the manufacturers, yet they themselves derive little profit from their extortion, inasmuch as the greatest share of the loss entailed upon the country is in the way of unprofitable expense laid out upon land which could not pay for its own cultivation; an expense which, we need scarcely observe, is thrown away to all intents and purposes, not only as respects the country at large, but even the landlords themselves. Neither are they as yet fully sensible of the important fact, that whilst they are waging an illiberal warfare against the foreign competitor, they are at the same time secretly undermining the prosperity of the best customers for their corn, and consequently drying up the sources of their own wealth. They are, in short, not yet fully instructed in the humiliating lesson, that the devices of the selfish return to plague the inventors. Lastly, the corn-rent alarmist requires to be convinced, that with English capital, skill and industry,

with our facilities of carriage and convenient markets, there is no reason to dread a ruinous competition with the foreigner.

The farmer, again, is not yet persuaded that, as the prohibition of foreign importation is in its intention and its very nature a protection, not of *profit*, but of *rent*; so its effect is not only to injure him, as well as others, in his capacity of consumer; but also, by the additional fluctuation which it occasions in the price of corn, to deprive him of his security and independence; whilst at the same time it tends to limit his opportunities of making a suitable provision for his children in trade or commerce.

The agricultural labourer, also, is not yet fully aware that it is a mere delusion to suppose himself interested in raising rents to an artificial level; that, on the contrary, it is clear as demonstration, that the usual returns of agricultural labour are rendered lower in proportion than those of other occupations, from the very circumstance of his forming part of an unnatural system; that in two capacities, as the receiver of the lowest proportion of wages, and as the consumer of the greatest proportion of bread, he may be truly said to be most directly and entirely exposed to the blighting influence of the worst of all monopolies.

The ignorance and indifference which we would so gladly see removed, do not so much proceed from the actual deficiency of strong and convincing arguments, as from their imperfect diffusion amongst the agricultural classes. The master manufacturers are, however, at length beginning to exert themselves in good earnest. They are endeavouring to carry correct information into the seclusion of the agricultural districts. Lecturers have been sent out into different parts of the country, who have ventured to trespass upon the very preserves of the Corn-law monopolists.

We feel also much gratification in observing that a publication entitled "The Corn Law Circular" has lately issued from the press, which seems admirably calculated to contribute to the end for which it is designed. It does not suffer the vain love of originality to interfere with its usefulness, but lends itself to the propagation of such facts and arguments, whether new or old, as seem to be most important.

The publication is a cheap one; its price is not more than two-pence even in its stamped form—without stamp, only one penny. The proceedings of the association from which it emanates are reported, and such additional facts and arguments adduced as may from time to time be elicited by their inquiries.

On the whole, therefore, we cannot doubt, that the final condemnation of a system so glaringly opposed to the interests of the community is already sealed. The landlord's monopoly may indeed prolong a withered and decrepit existence through one or two more sessions; but, sooner or later, the seeds of decay and corruption which it bears within itself mark it for an ignominious end,—an end the more protracted, the more infamous.

Since, however, we conceive that the merits of the question—as far, at least, as England alone is concerned—have been amply discussed in the literary world, the object of the present article is to contemplate the Corn Laws in one of their foreign aspects. From the very title of this Review our readers must infer, that we consider the interests of England to be intimately connected with those of other countries: such, indeed, is our opinion. We entertain a strong conviction, that a state, like an individual, which has no sympathy, no intercourse with its fellow-states, which is isolated from the world, must suffer from the privation, in its material, social and moral interests. Under this impression it has been our object to inculcate, on all fitting occasions, the advantage of extending our commercial intercourse, and preserving a friendly connexion with the other branches of the great family of man.

If we are ever found to deviate from this sacred course, it is only when the painful conviction is forced upon us, that one nation is pursuing objects which are incompatible with the interests of others. It is only in such cases as that of Russia, where we find that a government has adopted for its policy a systematic project of self-aggrandizement. It is because a nation has become infected with the barbarous lust of conquest; because, instead of working out its own civilization, instead of promoting its own social enjoyments, or fostering its own infant liberty, it dreams only of extending

the paralysis of its blasting tyranny over the happier, because freer and more humanized, regions of the earth. Against such a nation, and against such projects, we shall continue to raise our voice in reprobation; and not the less earnestly, strongly or continuously, because circumstances have carried conviction home to the bosoms of a vast majority of our countrymen, and have proved, that in the course of a career, one of whose main objects was to expose the dangers with which this country was threatened from that quarter, we have neither mistaken, nor exaggerated, the aims of our antagonist. And it is precisely because we would not, unless they appear unavoidable, advocate extreme measures; because we would not be instrumental in producing war; because we would rather oppose a straightforward and clearsighted integrity to the dark machinations of Russian diplomatists,—that we are the more anxious to cultivate the friendship, and co-operate with the efforts, of our continental neighbours.

To promote this philanthropic end, we know of no means more efficient than the free and equal interchange of commercial traffic. Can, however, England fairly lay claim to the title of liberality? Has she, on commercial grounds at least, any right to expect sympathy, whilst, in addition to other restrictions,—whether her conduct proceed from a narrow contracted feeling of national rivalry, or from a base spirit of subserviency to the selfish prejudices of her own aristocracy, —she has won for herself, by her Corn Laws, a shameful priority in the race of intolerance?

Do we then imagine that we can impose upon other nations as we impose upon ourselves? Do we think that the same opiate which drugs our senses will lull to rest the vigilance and discernment of foreigners? Do we for one moment believe, that our suicidal selfishness will, with its transparent film, suffice to blind the eyes of men who do not even fancy themselves to have an interest in being deluded? Why is it that the policy of England is viewed with distrust by the greater part of the civilized world? Why is it that our opposition to Russia is looked upon as emanating from an interested spirit of commercial rivalry; and not as the resistance offered by a high-spirited nation to the designs of a heartless despot against the liberty, civilization and independence

of Europe? Why is even the sacrifice of twenty millions upon the altar of liberty attributed to selfish and commercial motives? Why, but because our Corn Law stands out in bold relief,—an audible proclamation of our mingled absurdity and selfishness! Why, but because the sentiments of a British House of Commons attest, in the hearing of astonished nations, the littleness and inconsistency of those who presume to desecrate, whilst they invoke, the sacred name of Freedom!

We are not, however, reduced to the necessity of speculating upon the probable and natural impressions produced on the minds of foreigners by our intolerance; their publications indicate, with sufficient clearness, its effect upon the state of foreign opinion. In the second number of the Anti-Corn-law Circular we find an extract from the Journal of the American Institute, which shows what are the sentiments entertained on the subject by the nation with whom we have the most important commercial intercourse.

The accusation brought against us is to the following effect, that whilst all other nations receive our manufactures, we shut out from our ports the natural productions of their soil. Is this accusation true or false? But, if true, is it not a proof of a grasping, unsocial disposition, and a spirit unworthy of an enlightened and high-minded nation?

England, again, is accused of accompanying her cargoes with books on free trade, as if to prove that free trade is good for everybody but herself. This jest assuredly the Englishman will scarcely relish who feels that his country's credit is at stake, and that the sarcasm owes all its sting to the consciousness of selfish inconsistency.

If we turn to France, we find the *Journal des Débats* reproaching us with, what it terms, the revolting anomaly of our Corn Laws, and inquiring sarcastically, how England, who sends to the continent, and even to Egypt, missionaries to preach unlimited freedom of trade, can maintain intact these commercial restrictions? France, however, has no interest in the question. Be the commerce of England free or fettered, our supplies of corn would not be derived from our Gallic neighbour. What circumstance, then, can it be,

other than the unsightly spectacle of our inconsistency, which attracts the notice of the French journalist?

In illustration of the same fact we may cite a publication which is placed at the head of this article,—the *Algemeines Organ für Handel und Gewerbe.* It is a commercial organ extensively circulated throughout Germany. The remarks contained in it decisively prove that the Germans regard the Customs' union in the light of a protection against the English Timber, Navigation and Corn Laws. In strict consistency also with the object they have in view, they demand an extension of the league, so as to include the whole of the south as well as the north, i. e. the upper Rhine and Danube as well as the lower Rhine and Elbe.

Is then this spirit of commercial hostility,—this combination, which is provoked by our own illiberality,—is this a circumstance which any nation,—which England herself, enterprising and powerful though she be,—can afford to slight and overlook? Are not our manufactures and our commerce vital elements of our prosperity? Assuredly, a commercial and manufacturing nation, which lays the foundation of its grandeur upon the narrow ground of monopoly and exclusion, cannot hope to constitute a structure sufficiently noble to command admiration, and at the same time sufficiently solid to stand the test of time and fortune.

When we reflect upon the strong and pressing reasons which suggest themselves on every side for the abolition of this invidious restriction, we repeat, that we cannot look upon the time of its repeal as far remote. Two or three years will have passed away, when we shall look back with wonder and amazement on our own past folly, our more than Christian patience, in submitting to such evident injustice. In the present article, therefore, it will be our object to ascertain from what quarter the deficiency in the home growth may be supplied with the greatest reciprocal advantage, both to the vendor and the purchaser.

The markets usually mentioned as likely to be frequented by our corn-merchants are certain ports of Italy and France, Dantzic, Hamburgh, the lower Baltic, and Odessa. A careful comparison, however, of the advantages, commercial and

political, held out to us by different foreign countries, has induced us to give the preference to one which has been usually overlooked.

On a question of this nature, everything depends upon the accuracy of statistical details; we shall therefore, for the convenience of our readers, proceed to lay before them a clear arithmetical calculation of the expenses of importation from the most apparently inviting countries, and afterwards of the respective prices. Our attention will be first directed to the ports already mentioned.

Cost of importing wheat from the principal shipping ports.

	Italy.	France.	Odessa.	Lower Baltic.	Hambro'.	Dantzic.
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
Average cost of freight per quarter	6 6	5 0	12 0	4 6	3 6	5 0
Insurance from 25*s.* to 60*s.* per qr.	0 7	0 5	1 0	0 5	0 4	0 7
Discharging	0 8	0 8	0 8	0 8	0 8	0 8
Sound dues	0 0	0 0	0 0	0 6	0 0	0 6
Local dues.....	0 4	0 4	0 4	0 4	0 4	0 4
Four per cent. commission *del credere*	1 6	1 6	1 6	1 6	1 6	1 6
Four per cent. for uninsured risk by damage, heating, short weight, and deterioration	1 6	1 6	1 6	1 6	1 6	1 6
	11 1	9 5	17 0	9 5	7 10	10 1

We shall now proceed to give a list of prices of corn free on board:

1. Italy.—We have not thought it material to ascertain the price of Italian corn for reasons which will be given below.

2. France.—The average price of wheat in France is 42*s.* 10*d.*

3. Odessa.—The average price from 1814 to 1824 was about 16*s.* The average for the quarter ending 1830, as returned by the consul, was 12*s.* higher: inferior to English wheat by about 10*s.* a quarter.

4. Lower Baltic.—In 1832, when there was no particular demand, the lower Baltic corn ranged from 28*s.* to 28*s.* 6*d.* There are different qualities; but the great proportion is small-grained, coarse, brown and ill-dressed.

5. Hamburgh.—Average 26*s.* 6½*d.*; this cheapness is altogether ascribable to the inferior quality of the Holstein and Hanoverian wheat.

6. Dantzic.—The average price of grain at Dantzic for nine years, ending December 31st, 1838, was 39*s.* 6*d.*; the average for fifty years, ending 1831, is 45*s.* 4*d.*

Having entered into the statistics of the question as far as respects these countries, we shall now proceed to trace out more fully the inferences to be derived from them.

Italy is first on our list. With regard to this country, we have not thought it necessary to go into the details of the price of Italian corn for this plain reason, that Italy is not, in fact, an exporting country; on the contrary, it imports a certain quantity. Corn, in Italy, bears a high price; what is exported thence to England is wheat of the finest quality, which is replaced for home consumption by inferior corn from the Black Sea.

The next on the list is France. We have seen that the average in France is 42*s.* 10*d.* for the price of the corn, and the cost of importation is 9*s.* 5*d.*; consequently, the expense to the English corn-merchant is 52*s.* 10*d.*

The next port alluded to is Odessa. We find, from an average of prices embracing ten years, from 1814 to 1824, that the price of corn at Odessa was about 16*s.*; the average, however, of the last quarter of 1830, as given by the consul, is from 22*s.* 4*d.* to 34*s.* 6*d.* We are inclined to place more reliance on the later average, because we conceive the increase of price to have originated, not in the fluctuation of seasons, but in the natural opening and development of commerce. Still, as a degree of uncertainty attaches to this average from the circumstance of its comprising so short a period, we are content to split the difference, which will give 25*s.*; add 10*s.* to balance the superior quality of English corn, and 17*s.* which have been shown above to be the expenses of importation, the price in the granary of the English merchant is 52*s.*

We come next to the lower Baltic. We find that in 1832 the average price of corn was 28*s.* 6*d.*: but that, as we have before expressly remarked, was a year in which there was no foreign demand; consequently, we might safely base our calculations upon a much higher average. Let us, however, be content to add 2*s.* 6*d.*; the average is thus raised to 31*s.* With respect to its quality, we find that it is small-grained, coarse, brown and ill-dressed; add then 10*s.* for the differ-

ence of quality from English wheat, we arrive at 41*s.* as the result. Take into computation the expenses of importation into this country (which amount to 9*s.* 5*d.*), the ultimate price is 51*s.* 5*d.*

The lowest nominal price to the English merchant which we have alluded to, is that of Hamburgh. We have seen that the average price of Hamburgh wheat, free on board, is 26*s.* 6½*d.*, and the expenses of importation only 7*s.* 10*d.* According to this calculation, therefore, the whole cost to the English merchant of a quarter of Hamburgh wheat is 34*s.* 4½*d.* There is, however, one element of value which it is of the utmost consequence not to overlook in the present instance, i. e. the quality; the truth is, that this apparent cheapness is really no cheapness at all; it is entirely the consequence of the great inferiority of Holstein and Hanoverian wheat to the British product. The wide difference in the respective qualities is proved at once by the practice of the English merchants,—a class of men whose partialities may be supposed to vary pretty exactly as the chances of profit. They have been known frequently to prefer the Dantzic wheat, when the difference of price free on board amounted to 20*s.*

The last in the order of our table is Dantzic. Here we find that the average of the last nine years, exclusive of the present year, is 39*s.* 6*d.*; the average of the fifty years ending 1831, 45*s.* 4*d.* If we take the mean between the two, the resulting average is 42*s.* 5*d.*; add 10*s.* 1*d.* for the expenses of importation, and the cost on its arrival in England is 52*s.* 6*d.*

This calculation most completely confirms our previous conclusions respecting the Hamburgh corn; for how is it possible to imagine, if 34*s.* 4½*d.* (the price of Hamburgh wheat, without reference to quality,) were really the price of the same description of wheat at Hamburgh, for which merchants are obliged to give 52*s.* 6*d.* from Dantzic, that they should be so ascetically regardless of the sweets of profit, as to choose to pay 20*s.* for the privilege of a longer voyage? There is also another circumstance which must at once set the matter at rest: the Dantzic corn, though so much further distant from its market, finds its way into Amsterdam; indeed, to a limited extent, it finds purchasers even in Hamburgh itself.

We have now laid before our readers the average prices of corn in those countries which have occupied public attention as likely to enter most directly into competition with the English farmer. To render, however, the comparison of prices which we have instituted more complete, it would be perhaps advisable to notice America. The average price of American corn ranges from 37*s.* to 40*s.*; the expense of importation is from 10*s.* to 12*s.*; this calculation will give 50*s.* as the mean average of the entire cost of Transatlantic wheat.

The Egyptian corn is of too inferior a quality to be fit for the English market.

According to the preceding calculations, the lowest average for the price of corn imported from any of the countries we have mentioned is 50*s.*; with respect to the price of corn in the ports of the lower Baltic, in consequence of the limited nature of the supply, a slight fluctuation in the demand produces considerable change in price. If, then, we take in the computation the probable profits of the British merchant, and the increase of prices which must naturally be occasioned by the opening of a fresh market, what becomes of the vain fear, that England will be laid waste by the dangerous machinations of the Corn-law repealers?

Truly, if the English farmer cannot maintain his ground against a competition of this description, he deserves to suffer from the effects of his own incapacity. This, surely, can scarcely be considered as a change which is to bring ruin and desolation upon our father-land, to turn our sickles into shuttles, and convert the golden corn-fields of Old England into a barren wilderness.

It may indeed possibly throw out of cultivation some soils whose poverty ought never to have been so highly taxed; it may even for the moment reduce, in some small degree, the rents of the landlord,—a reduction which, in process of time, according to our apprehension, will richly repay itself; but would not the repeal of the Corn Laws wipe off a stain from the escutcheon of the landowner? Would it not do away with a foul reproach,—the just reproach, that landlords, not content with the peaceable enjoyment of a beneficial interest in the produce of a soil, which they have not perhaps appropriated to themselves by the labour of a single day, have not-

withstanding, with shameless injustice, for the sake of grasping for themselves a comparatively trifling advantage, entailed a seven-fold loss upon the labourer, who is undoubtedly the nearest heir to the bounties of the earth, and upon the mechanic, without whose industry the rent of the whole earth could not obtain for its titled owner the common comforts and conveniences of life?

The object, however, of the present article is, to ascertain in what manner the repeal of the Corn Laws, which we so fully anticipate, will be turned to account by our merchants. The decided impression produced upon us by the facts which we shall proceed to lay before our readers is, that Hungary contains within itself more natural qualifications for an intimate commercial union with England, than any of the above-mentioned countries. The ensuing statements will, we think, go to prove, that in Hungary corn is cheap, that her present condition is such as to imply a considerable demand for our manufactures, and that there are political inducements to cultivate a connexion in itself so profitable.

We candidly admit, that no other arguments would be of much avail, unless we were prepared to prove, in the first instance, that commerce with Hungary would tend to promote the pecuniary interests of the merchant; we shall therefore, without delay, enter into the merits of that primary question.

	fl. kr.		*s. d.*
The price of Hungarian wheat fit for shipment to England is at present, *per metzen*, at Sissek . . . . . (N.B. At other times it is 30 or 40 per cent. less.	2 45	or	5 6
Expense of transport from Sissek to Karlstadt by the river Culpa	0 10	or	0 4
Expense of transport from Karlstadt to Fiume by land	0 50	or	1 8
	3 45	or	7 6

Hence we find, that the price of Hungarian corn at Fiume is 3 florins, 45 kreutzers, or 7*s.* 6*d.* sterling per metzen. Now, 2 metzen are considered equal to 3 stajo or staro, Venetian or Trieste measure; hence we find, that the cost of Hunga-

rian corn per stajo is 5 florins, or 10*s.*; the rate of freight from Fiume to Trieste by sea is 7 kreutzers, or $2\frac{4}{5}d.$; the whole cost therefore, at Trieste, is 5 florins, 7 kreutzers, or 10*s.* $2\frac{4}{5}d.$: 348 stajo, however, are considered equal to 100 imperial quarters, according to which estimation the price of corn at Trieste, per imperial quarter, is 35*s.* $7\frac{1}{4}\frac{9}{25}d.$

To this calculation must be added,

For the several commissions at Sissek, Karlstadt and Fiume	5 per cent.
For waste, deterioration, uninsured risk, insurance	3 per cent.
Rate of insurance from Trieste to England. .	$1\frac{3}{4}$ per cent.
Export duty from the Austrian dominions, or Hungary, to the district of a free port, or to a foreign country	$9\frac{1}{4}$ per cent.
Amount of commission *del credere*	$3\frac{1}{2}$ per cent.
Charges and expenses on shipping	2 per cent.
The uninsured risk, heating, short weight, deterioration on the voyage from Trieste to England	1 per cent.
The whole per centage, as above detailed, is equal to	$24\frac{1}{2}$ per cent.

Now $24\frac{1}{2}$ per cent. upon 35*s.* 7*d.* is 8*s.* $8\frac{125}{200}d.$; leaving out the fraction, the price of Hungarian corn per quarter is 44*s.* 3*d.*: add 8*s.*, which is about the average freight to England, the cost of Hungarian corn to the English merchant is 52*s.* 3*d.*

It must be remembered, however, that the price of the corn at Sissek (the principal depôt for corn collected from the country, or brought by the Save from New Beesi, where considerable purchases are made), upon which we have based our calculation, was taken at the present high average, though it is sometimes 40 per cent. lower. If, then, we had adopted the lowest instead of the highest rate for the stajo at Sissek, the final result would have been more than 3*s.* lower; let us now adopt a mean average between 49*s.* and 52*s.* 3*d.*, it will give 50*s.* $7\frac{1}{2}d.$ The following, then, is the result of the previous calculations: the price in England of corn imported

		s.	*d.*
from France	is	52	3
—— America		50	0

	s.	d.
from Odessa	52	0
—— Hamburgh	54	4½
—— Dantzic	52	6
—— Lower Baltic	51	5
—— Hungary	50	7½

Now the port from which English merchants have been accustomed to look for the principal supplies of corn is Dantzic; we must presume, therefore, this port to have been, practically speaking, the cheapest; on comparison, then, we find that Hungarian corn bears a lower price, although rather superior in quality.

Of late years, however, our merchants have imported a more than ordinary proportion from Russia. The price of corn from the lower Baltic is, according to the table above, 9½ higher than of Hungarian corn. Besides, we must take into consideration what has been said of its quality, which will be sufficient to convince us, that no great quantity of the lower Baltic corn will continue to be imported. We have also before observed, that from the limited nature of the supply the price is easily raised. There is also another drawback, to which we have not before alluded, viz. the uncertain character of the Baltic navigation, which is interrupted during several months in the year.

On the other hand, Hungarian corn is of prime quality. Altogether, Hungary Proper produces at the present moment about twelve millions of bushels grain crop. Croatia alone produces one and a half million of quarters. But thousands of acres of the richest land lie uncultivated, in consequence of the small demand for corn.

The line of communication which we have indicated is by Sissek, Karlstadt and Fiume, thence by sea to Trieste; there are also other roads to Trieste; but the one we have pointed out is the most convenient and the least expensive. The road from Karlstadt to Fiume is in fact as fine a road as any in Europe.

At Trieste there are already extensive granaries, and still more in the course of erection; these will afford every facility for housing wheat, so as to prevent loss or speedy deterioration. The rents and other charges are moderate.

There would be no want of British or Austrian vessels to freight. Many of the former have hitherto been obliged to depart in ballast. The Austrian vessels, in case of need, would always be ready: they are, generally speaking, roomy and remarkably tight and stanch vessels, and therefore well calculated for carrying grain, though perhaps better fitted for the navigation of the Mediterranean than the ocean.

It is also worthy of remark, that Hungary, even as to its present population, and much more as to the population which it is capable of supporting, is no unimportant acquisition to English commerce. There are at present twelve millions of inhabitants; their country, however, might easily support twenty millions. They are too, in their customs and pursuits, just the kind of people who, in commerce with ourselves, would impart and receive the greatest mutual advantage. They are an agricultural population, exclusively so, without a single manufacture. Of course our manufactures must be to them the most valuable return for their own raw produce.

We have already laid before our readers an account of their capabilities of supplying us with corn; that, however, is not the only commodity which they can exchange with us. Amongst other raw materials may be mentioned their metals and hemp. Their hemp, when properly cleaned, is superior to the Russian; in fact, it has already found its way into the English market, from the depôt at Apathin on the Danube.

Thus far we have discussed the question of intercourse with Hungary in a purely commercial point of view; and we give our countrymen credit for a sufficiently strong spirit of enterprise, for sufficient discernment in matters of profit and loss, to prevent their overlooking the manifest advantages of trade with Hungary, whenever the change so imperatively called for in our Corn Laws shall have been effected.

For our own parts, however, we must confess, that we conceive the political inducements for a closer and intimate connexion with the Hungarians to be stronger and more important than those of commerce.

If we can calculate upon the experience of later years, we are beginning to derive our supplies of corn chiefly from Russia. The question then, in a political point of view, is,

whether it is more for the advantage of England to connect itself with Russia or with Hungary.

Our sentiments with respect to Russia we have never disguised. Both the objects of that government and the methods pursued for their accomplishment are throughout conceived in a spirit of hostility to Europe, and of envious jealousy towards this country in particular. Russia, to the eye of the considerate lover of his species, presents the odious and alarming spectacle of a nation whose only civilization is the art of war; of a people who are slaves, and with whom, as with slaves, the only idea of liberty is to enslave others; of a government which evinces no desire of fostering freedom, of encouraging for their own sakes the peaceful and social arts; but, on the other hand, most energetically and incessantly labours to widen the limits of a territory already too extensive for its own happiness, or for the security of surrounding nations.

Whilst the other states of Europe are more or less desirous of peace, and anxious to work out those problems of political and social good which occupy so creditably the attention of the wiser and better portion of Europe, Russia is constantly endeavouring to promote her dangerous projects of self-aggrandizement; continually crushing the weak under her iron domination, and with a clandestine policy, by the arts of a Machiavellian diplomacy, endeavouring to overreach those enemies with whom she dare not grapple.

It is however against England that her selfish malice, her secret machinations, are most especially directed. Neither can this fact occasion much surprise. The power, the very existence of England, is an obstacle to the anti-European policy of the Czar. England, if she would maintain her position in the van of civilization and of commerce, cannot permit a horde of Muscovites, and their ambitious ruler, to gratify a barbarian lust of conquest.

It is from England, therefore, that Russia has most to fear. It is England that has within herself those stores of wealth which constitute the sinews of modern warfare, the want of which is the one impediment in the way of Russian conquest. In another point of view, England, in herself, is least vulnerable to the attacks, and the still more dangerous intrigues

of Russia. With the wave for our boundary, and moving castles for our defence, Russia dare not approach us in our island home. She cannot make this independent country a focus for her intrigues; it is in vain that she would attempt to sow the seeds of discord amongst the spirited defenders of the British soil.

But wherever an opening has been afforded, wherever a distant possession has given scope for the exercise of the base arts of intrigue, there the agents of Russia are at work, —fomenting divisions, encouraging disaffection, vaunting the power, and secretly promising the assistance of the Czar.

We appeal to the recent occurrences in America and in India.

What again, but enmity against this country is evinced by the awkward attempts of Russia to rival the English navy, and her evident desire to cramp our commerce and inflict a blow upon our material interests?

There are, then, but two methods of defeating the deep-rooted, unremitting hostility of Russia—by war or by policy. War would entail upon us much expense, and be the cause of much bloodshed. On the other hand, by a wise, energetic and consistent line of policy, it may be possible to reap all the advantages which could be reaped from the most successful war. We may draw over to our own party, by the attraction of sympathy, and the reciprocal ties of commerce, those who might otherwise have been disposed to favour the designs of Russia, or at least to regard them with indifference.

On this ground we were the first to hail the late treaty with Austria. We do not, however, look upon the Austrian empire as one upon the union and ultimate consolidation of which much dependence can be placed. We do not conceive the present combination of various races to be held together by any firm bond of nationality. We rather incline to the opinion, that Austria owes her present integrity to the sagacity and prudence of a single statesman. Whenever that individual shall cease to guide the destinies of Austria, the empire may be at once resolved into the discordant elements of which it is composed.

The Bohemians, for instance, are not unlikely to occasion an outbreak; though they are only four millions, they are an

enterprising, manufacturing people. Already (favoured by the cheapness of living and low rate of wages) they, in several departments, outrun us in the race of commercial competition. They have already distinguished representatives in the Austrian ministry; they look with ill-disguised animosity upon their Germanic rulers; and the struggle for a national existence has been heralded by signs, intelligible, and under the present circumstances of Europe, even alarming. Whenever, therefore, the government shall be resigned into feebler hands, they are not unlikely to struggle for pre-eminence; and, when we calculate upon the natural effects of commercial rivalry, and, in addition, take into consideration their Sclavonic descent, what is there to prevent their inclining to the side of Russia? If there be no other path open to their ambition, what is to prevent their listening to the solicitations which Russia will be sure to press upon them, to accept her protection?

With prospects before us of this nature, is it not the part of prudent, anticipating policy, to apply a counteracting force of British influence? Of such influence Hungary is already prepared by circumstances to be the recipient. She offers us twelve millions of consumers. They are noble, gallant soldiers. In their character and customs they approach our own. They are well disposed towards us, and cordial haters of Russia. The predominant race is not Sclavonic, but Magyar, and much even of the Sclavonic portion is rapidly Magyarizing. They are lovers of freedom, and well acquainted with the English constitution and laws. But the full developement of these peculiarities of the Hungarian population we reserve for a more fitting opportunity.

It remains, then, for ourselves to turn these propitious circumstances to account, by abolishing our impolitic restrictions upon the importation of corn, and by encouraging a close commercial union with this friendly people, taking that which they have most in abundance to bestow.

We trust, therefore, that the remarks which we have made will have the effect of turning the public attention to Hungary. Though our statements are plain and unvarnished, though our appeal has been made, not to passions and prejudices, but to facts and figures, yet we cannot refrain from in-

dulging the hope, that the foregoing remarks will have been sufficient to produce conviction on the mind of the impartial inquirer. It has, we trust, been satisfactorily proved, that it is, both in a commercial and in a political point of view, for the interest of England to connect herself with Hungary. If this be conceded, we shall also have to congratulate ourselves on having added another to the already abundant store of arguments in favour of a liberal system of agricultural policy.

Article IV.

1. *Précis du Droit des Gens modernes de l'Europe, fondé sur les traités et l'usage pour servir d'introduction à un Cours politique et diplomatique. Par* G. F. De Martens. Nouvelle Edition, avec des Notes de M. S. Pinheiro Ferreira, Ministre des Affaires Etrangères en Portugal. Paris, 2 Tom. 8vo.
2. *Cours de Droit Public, interne et externe. Par le Commandeur* Silvester Pinheiro Ferreira, Ministre d'Etat de S.M.T.F. Paris, 2 Tom. 8vo.
3. *Droit des Gens modernes de l'Europe. Par* J. L. Klüber.
4. *Elements of International Law, with a Sketch of the History of the Science. By* Henry Wheaton, LL.D., Resident Minister from the United States in America to the Court of Berlin. Philadelphia, 1837, 2 Vols. 8vo.

If our enumeration of works shows that the number of writers on the law of nations has increased, an inspection of the books will prove that the bulk of the treatises has much diminished. We hope that the less forbidding form in which the science is now presented will attract more consideration to it from readers in general. For in truth, though very few of us are concerned in administering this law, we have all as deep an interest in its righteous administration as in that of the municipal law. We have all an interest in the national honour; and those who are insensible to the honour of their country, all pay the public taxes: the estimation of the one,

and the amount of the other, are alike dependent upon the management of our relations with other states. The law of nations teaches us what is right and wrong in dealing between state and state; in that law, therefore, every man has an interest, and every man ought, for his own sake, to become conversant with it.

We have often lamented the want of an English work on international law; the deficiency still remains, but it has been in some degree supplied by the last of the works enumerated above, which contains a view of the law of nations, not only written in the language of Englishmen, but nearly such in substance as an Englishman might write.

Mr. Wheaton has the advantage of uniting the two characters of lawyer and diplomatist; and he is moreover, if we judge correctly from his book, a sensible and moderate man. A circumstance too, of which we are rather proud, shows him to be above national prejudices and jealousies: a great portion of his authorities and illustrations is taken from the judgements of Sir William Scott in the Admiralty Court of England; and even from the correspondence and manifestoes of English statesmen. The Americans have, much more than the courts of continental Europe, professed in diplomatic discussion a desire to conform themselves to the law of nations. This is not the place for inquiry whether their practice has been correct; but all these considerations point out Mr. Wheaton's book as deserving of special notice. The nearer his views approach those which we desire to inculcate, the more anxious are we to notice the points of difference which exist between us.

We do not quarrel with Mr. Wheaton because he has not made a very decided choice, among the different theories of the foundation of the law of nations, which he finds in the older writers; his own definition is this:—

"The law of nations, or international law, as understood among civilized Christian nations, may be defined as consisting of those rules of conduct which *reason* deduces, as consonant to justice, from the nature of the society existing among independent nations, with such definitions and modifications as may be established by general consent*."

* Vol. i. p. 54.

If this definition does not entirely satisfy us, we are not prepared with another. We trust that as this is specially applicable to Christian communities, *reason* is here to be found in that law of God which is the foundation of honesty and of honour*; and that Mr. Wheaton agrees with us that *the same principle, be it more or less derived from religion, which deters a man from wronging his neighbour, condemns him when he joins in an injury against another state;* and that he holds with us, that men should remember, that *though they may act in a body they will be judged hereafter man by man.*

The reference in Mr. Wheaton's definition to "the nature of the society" and to "modifications established by general consent," are consistent with our acceptation of his general rule. Few actions, whether of an individual acting for himself, or of one who acts as part of a body, are quite simple and irrespective of circumstances. An action is, or is not, consistent with duty, according to the engagements under which a man has placed himself by precise agreement or tacit consent, and to the rights which his neighbour has acquired; and also to the law (not being inconsistent with God's law) which competent authority has enacted. No such competent authority exists for regulating the relations of states; but one of the most difficult and interesting objects of our inquiry is, how far, and in what way, we have created laws *by tacit consent* which affect our duty in those relations.

If a nation has for a long period adopted and endeavoured to enforce upon others, certain rules of conduct, as dictated by the law of nations, that nation may be fairly deemed to be bound in honour and justice to adhere to them, until its rulers shall have formally declared their intention to abandon them†. And, generally speaking, this declaration ought not to be made under the pressure of circumstances which make a conformity to them inconvenient to the nation making it, or advantageous to its rivals or enemies. But this doctrine cannot be maintained without qualification. The urgent

* Upon this subject, see Robert Ward on the Law of Nations, ch. 3. We generally agree in principle with this erudite author, and if we do not take more notice of his treatise, it is partly because he does not always carry out his principles to their legitimate end, and partly because the work is too good for a slight notice.

† Marten's Précis, i. 166.

danger and necessity which alone justifies *war*, may also justify a departure from these customary restraints upon conduct: still it is not easy to define such cases beforehand.

As a perfect system cannot be comprised in the sketch to which we are confined, we shall follow Mr. Wheaton's arrangement; and this, we hope, will lead us to treat of all the more ordinary cases to which general principles are to be applied. It may probably be objected to the work, that it treats too much of particular, and especially of recent cases; but we suspect that this mode is the best for inducing a practical and popular consideration of the subject; it is the most attractive and best suited to our miscellany.

Under the head of "Sovereign States" (Part I. Ch. 2.) Mr. Wheaton gives explanations of confederated, united, and qualified sovereignties, which are scarcely within our purview, till he comes to "a civil war, involving a contest for the government." In this case he holds that other states may remain indifferent spectators, "*or may espouse the cause of the party which they believe to have justice on its side**."

Our own Minister for Foreign Affairs has lately asserted a right to assist that party in a civil war whose success would be the more conducive to *our interests*. We entirely concur with Mr. Wheaton in rather making *justice* the ground of interference. We cannot deny that it is lawful to succour an oppressed party, but there is small probability that any power will form an accurate and impartial estimate of the right and the wrong; the danger is very great that self-interest will be the true motive. A case of chivalrous or conscientious interference in behalf of right may have occurred; but we cannot readily call one to mind, and most earnestly recommend that this doctrine of interference be seldom brought into action.

Mr. Wheaton treats briefly (§ 19.) the question, very interesting in these times, which arises "when a province or colony shakes off the sovereignty" of a parent state. He quotes the instances of the "Swiss Cantons and the United Provinces of the Netherlands" as instances which show the general sense of mankind in favour of the acknowledgment of such revolted provinces. He fairly admits that the acknow-

* P. 92, and Pinheiro, ii. 6.

ledgment of our American States by France in 1778, "*coupled with the assistance recently rendered to them,*" was *probably* an unjustifiable aggression against England; but he doubts whether "the treaty of commerce or even the eventual alliance" would have constituted an aggression, if accompanied by an "impartial neutrality." He says,—

"Where a revolted province or colony has declared, and *shown its ability to maintain* its independence, the recognition of its sovereignty by other foreign states is a question of policy and prudence only."

We cannot think that this condition is satisfied while the forces of the parent state are within the colony, maintaining a doubtful struggle; or that, pending such contest, a foreign power may innocently make a treaty of commerce with the revolted colonists, thus setting at naught the authority of the original sovereign whose laws prohibit foreign trade with his colonies. If the commercial treaty were justifiable, we should agree with Mr. Wheaton that an alliance for maintaining that treaty against all opposition would be justifiable also*.

In the recent case of the Spanish colonies, one circumstance important to the case of England is omitted by Wheaton, though noticed in a communication which he elsewhere quotes†. Permission to trade with her colonies had already been given by Spain to England ‡; *that* question therefore did not occur; but, independently of this peculiarity and of the assistance given by France to America, the case of 1778 does not run parallel with that of 1823. The basis of our recognition of the Spanish colonies was, that "events in which the British government had no concern had decided the separation between Spain and America," and that "all Spanish occupation and power had been actually extinguished and

* The treaties of commerce and alliance, between France and the new states, were signed on the 6th of Feb. 1778. The latter specifically contemplated a war with England in consequence of the former. These measures were announced to England in a very offensive note from the Marquis de Noailles, in which the independence of the United States was assumed as a fact, and "eventual measures in concert with the states" were announced for protecting the lawful freedom of the commerce of the subjects of France. In Mr. Ward's opinion, "England had a right instantly to consider this as a declaration of war."—*Inquiry into the manner, &c.*, p. 44.

† P. 118.

‡ Conference between Prince Polignac and Mr. Canning, Oct. 9th, 1823.—*Parl. Debates*, x. 710.

effaced*." And the abolition of the ancient sovereignty necessarily leads to the recognition of another, unless the inhabitants of the revolted province who may commit hostilities against another state are to be treated as pirates†. In the case, however, of a protracted struggle, weakly and perhaps only nominally maintained by the mother country, the lawful period of recognition may be a question of doubt, which no definite rule can decide.

But another principle or claim of the right of interference was put forward on this occasion.

"The junction of any *foreign power* in an enterprise of Spain against the colonies would be viewed by the British government as constituting an entirely new question, and one upon which they must take such decision as the interests of Great Britain might require . . . . . and they would consider any foreign interference by force or by menace in the dispute between Spain and the colonies as a motive for recognising the latter without delay.‡"

If the recognition was already justifiable, and suspended merely at England's discretion, she had a right to make it dependent upon this or any other circumstance. But the first part of the intimation apparently asserted a right to *oppose by force* any foreign power that should interfere. Such opposition could only rest upon one of these principles: 1st. The right of taking that part in a civil contest which is most advantageous to the interests of the interfering power. 2nd. The general right, or as some would hold the *duty*, of defending the oppressed,—for it might surely be assumed to be a clear case of oppression. 3rd. The union of these two cases,—where the interference is lawful in itself, and effected upon motives of interest.

The third was apparently Mr. Canning's case, and it is one of which it is extremely difficult to appreciate the merits. One circumstance gives the right, another dictates its enforcement; the one appeals to generosity, the other to self-interest. Still, in a case in which we feel a moral certainty

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* Mr. Canning to Chev. de los Rios, 25th March, 1825.—*State Papers*, 1824–5, p. 912. Prince Polignac admitted in the conference that it was utterly hopeless to reduce Spanish America to her former state of dependence.

† See the Duke of Wellington's note at Verona.—Chauteaubriand, Congrès de Vérone, i. 62. The same point is forcibly urged in Mr. Canning's of 25th March.

‡ Conference between Mr. Canning and Prince Polignac.—*Parl. Debates*, x. 709.

that the same judgement would be given against the oppressor, though unbiased by interest, and a consciousness that, upon no consideration, would we espouse the opposite side, we are disposed to hold the interference lawful, though very rarely expedient. Nor is it an unimportant consideration, that the threat of interference—and surely no such threat should be uttered without an earnest determination to enforce it,—might very probably prevent the other party from interfering, might save him who was threatened with oppression and preserve peace.

The United States took the same tone with Mr. Canning, but more decidedly, and upon some peculiar grounds, to which we shall come presently.

In treating of the absolute "international right of states," (Part ii. p. 107.) Mr. Wheaton considers, first, *the right of self-preservation;* and under this head, "*the right of intervention,*" (§ 4.) when another state in the exercise of its right,—

"increases its national dominions, wealth, population, and power by innocent and lawful means, such as the pacific acquisition of new territory, the discovery and settlement of new countries, the extension of its navigation and fisheries, the improvement of its revenues, arts, agriculture, and commerce, the increase of its military and naval force. . . . . Where the exercise of this right by any of these means *decidedly affects the security of others,* as where it immediately interferes with the actual exercise of the sovereign *rights of other states,* there is no difficulty in assigning its precise limits."

This is not sufficiently clear. It is not explained, nor is it easy to understand, how this improvement of a state, by lawful means, *directly* affects the security of another; still less how (the case expressly excluding violence or encroachment,) it can interfere with the exercise of its sovereignty.

Nor is it quite correct to class together the improvement of revenue and the increase of warlike force. A nation has, abstractedly, as entire a right to multiply its soldiers as to augment its taxes. We do not say that either is a cause of war; but surely the former comes much more near to a direct threatening and endangering of the security of a neighbour; and accordingly an increase of force, whereof the cause is not apparent, is frequently the subject of remonstrance from one state to another: there *is* a great difficulty in assigning

the limits of this right of self-extension; and certainly they are not assigned by our author, who has by no means made a clear distinction between this and the case immediately following:—

"Where it merely involves *a supposed contingent danger* to the safety of others, arising out of the undue aggrandizement of a particular state, or the disturbance of what has been called *the balance of power**, questions of the greatest difficulty arise, which belong rather to the science of politics than of public law."—*Page* 110.

These questions do belong properly to the science of public law; though in practice they are resolved by the science of politics.

We are of opinion that the systematic operation of the principle of the *balance of power* has been much exaggerated. Perhaps Mr. Wheaton exaggerates on the other side when he says that "the preventive policy," with a view to restore the equilibrium, "has been the pretext of the most bloody wars." Indeed he adds,—

"Wherever the spirit of encroachment has really threatened the general ecurity, it has commonly broken out in such overt acts, as not only plainly indicated the ambitious purposes, but also *furnished substantive grounds in themselves sufficient to justify a resort to arms by other nations.*"

The wars undertaken to check the aggrandizement of Spain and the House of Austria, under Charles V. and his successors; the struggle between the religious parties engendered by the Reformation; the resistance made to the ambitious projects of Louis XIV.; all "these great transactions furnish," says Mr. Wheaton, "numerous examples of intervention by European states in the affairs of each other . . . . which can hardly be referred to any fixed or definite principle of international law." He applies similar remarks to the events which grew out of the French

* Pinheiro makes a distinction between aggrandizement by the progress of improvement, and aggrandizement by the succession of a monarch to another throne. There can be no difference in principle. Nothing but self-preservation can justify opposition in either case. But the difference is this;—in the case of a succession there is one definite and supposed dangerous event to be prevented, whereas in the other it is impossible to fix a point at which objection can be made. But we cannot admit that it is lawful to resist by force the union of two nations by the circumstance of having one monarch, any more than it is to go to war, because two nations contract a defensive alliance and agree to make common cause on all occasions.—*Martens*, i. 272, 434.

Revolution, and concludes with one in which we entirely agree with him; it is in vain

"to attempt to reduce to a rule, and to incorporate into the code of nations, a principle so indefinite, and so peculiarly liable to abuse in its practical application."—*Page* 113.

Our author takes no notice, nor, perhaps, was it necessary that, writing law and not history, he should have taken specific notice, of the interference with the constitutions of other states begun by the French revolutionists in 1792, or of the various coalitions of European powers against France. England manfully resisted the principle of interference, and was a party to no coalition having for its object the establishment of any form of government in France. But she asserted the doctrine, that one state has a right to treat as an enemy one who is compelled by force into hostile measures; and to anticipate hostility of which there is a manifest or well-ascertained intention.

Mr. Wheaton now passes to the alliance formed at Aix-la-Chapelle, in 1818, between the principal powers of Europe. Of this he says that

"It constituted a sort of superintending authority in the five powers, (Russia, Austria, Prussia, Great Britain, and subsequently France,) over the international affairs of Europe, the precise extent and objects of which were never very accurately defined."—*Page* 114.

This remark is unquestionably just. England, represented successively by Lord Castlereagh and Mr. Canning, protested against the construction which the continental powers put upon this agreement; and it is gratifying to us, that in the distinction which he takes between England and the members of the Holy Alliance, and in his exposition of the principles of England, the American jurist follows, without any disapprobation or qualification, the state papers issued by the English government during the administration of Lord Liverpool*, for England's disclaimer of the right of interference in the internal affairs of states, and her disavowal of any objection to that effect imposed by her alliances.

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* Especially Lord Castlereagh's circular despatch of 19th Jan. 1821, his Minute on Spain, May 1823; Mr. Canning to Sir C. Stuart, 28th January and 31st March, 1823.—*Parl. Debates*, iv. 283, 923, 959, 1136.

At the same time Mr. Wheaton tells us

"The United States Government declared that it should consider any attempt on the part of the allied European Powers *to extend their peculiar political system* to the American continent as *dangerous to the peace and safety of the United States.* With the existing colonies or dependencies of any European power they had not interfered, and should not interfere; but with the governments whose independence they had recognised, *they could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, in any other light than as a manifestation of an unfriendly disposition towards the United States.* . . . . It was impossible that the allied powers should extend their political system to any portion of the American continent, *without endangering the peace* and happiness of the United States. It was therefore impossible that the latter should behold such interposition in any form with indifference*."

Mr. Canning had previously suggested the propriety of a joint declaration by England and the United States of their determination to resist foreign interference with the Spanish colonies; but this suggestion had no official result. In one point only the English government differed, or thought that it differed, from the American. Conceiving that the President had declared that Spain herself might not employ force to reduce her colonies to obedience, Mr. Canning expressed his dissent from this proposition†.

The sending of troops to Portugal in 1826 is thus explained by Mr. Wheaton from Mr. Canning's speeches ‡. We had a right to oppose the interference of France in Spain, but were not bound so to do; and we exercised our judgement in abstaining from interference. We had the same right to prevent Spain from interfering in Portugal, and we *were* bound by special treaties to exercise it.

"The interference of the Christian powers in favour of the Greeks, who after enduring ages of cruel oppression had shaken off the Ottoman yoke, affords a further illustration of the principles of international law authorizing such an interference, *not only where the interests and safety of other powers are immediately affected* by the internal transactions of a particular state, but where the general interests of humanity are infringed by the excesses of a barbarous and despotic government. These principles are fully recognized in the treaty for the pacification of Greece, signed at London, on the 6th of July, 1827" §.

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* President Monroe's Message, 2nd Dec. 1823.—An. Reg. lxv. 193.
† See Stapleton, ii. 23, 49. Parl. Debates, x. 74.
‡ Wheaton, i. 123. Parl. Debates, xvi. 364.
§ State papers, 1826–7, p. 632.

Whatever may have been the motives of the authors of that treaty, they did *not* recognise these principles in their treaty. Their interference was accounted for in the preamble, by "the "necessity of putting an end to the sanguinary struggle, which, "while it abandoned the great provinces of the Archipelago "to all the disorders of anarchy, daily caused fresh *impedi-* "*ments to the commerce of the states of Europe*, and gave "opportunities for *acts of piracy*, which not only exposed "the subjects of the contracting parties to grievous losses, "but rendered necessary measures which were burdensome, "for their observation and suppression."

This treaty no doubt stipulated for, and finally produced, a forcible interference in the affairs of Greece and Turkey; and Mr. Wheaton likens it to the crusades of ruder ages "to recover the holy sepulchre from the possession of infidels," and to the confederacies of the 16th and 17th centuries, "to "secure the freedom of religious worship to the votaries of "the Protestant faith in the bosom of Catholic communities." And "the principle," our author avers, of the present interference, "was fully justified by the great paramount law of "self-preservation; 'Whatever a nation may lawfully defend "for itself, it may defend for another people, *if called upon* "*to interpose*.' The interference of the Christian powers to "put an end to this bloody contest might safely have been "rested upon this ground alone, without appealing to the in- "terests of commerce and the repose of Europe*."

Such is the principle of our American author; a principle of a very dangerous tendency, approaching much too nearly that of the Holy Allies†; it derives no sanction from the alliance of 6th July, and was on that occasion specially rejected by England‡.

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* The Turks have not always been considered as members of the European commonwealth, or parties to the conventional law of nations; and their treatment of the ambassadors of the states with which war commenced, formerly deprived them of any right to claim the benefit of the milder principles of war and diplomacy adopted by European states; but there is no such distinction in modern times.

† Not of the Holy *alliance*, which was in itself quite harmless, but of the powers who would give to the resolutions of 1818 the extensive operation lately deprecated.

‡ "In the discussions between the Porte and her Greek subjects England had not the pretence of a right to interfere." Mr. Canning, in Stapleton, i. 200.

Wheaton's next chapter (part 2, chap. ii.) thus asserts *the Rights of Independence*:—

"Every state, as a distinct moral being independent of every other, may freely exercise all its sovereign rights in any manner not inconsistent with the equal rights of other states. Among these is that of establishing, altering, or abolishing its own municipal constitution of government. No foreign state can lawfully interfere with the exercise of this right, unless such interference is authorized by some special compact, or by such a clear case of necessity as immediately affects its own independence, freedom, and security."

Sometimes a mediation is requested by the contending parties. Some instances are given of guaranties by special compact, or request of interference in virtue of them. France and Sweden, by the treaty of Westphalia, guaranteed the Germanic constitution; France and the Cantons of Berne and Zurich became in 1738 the guarantees of the constitution of Geneva. In 1678 France interfered with an armed force, or at least a demonstration, and compelled the aristocratical and democratical parties to an agreement by no means cordial. England made a slight remonstrance*. The interference of France did not prevent a renewal of disputes in 1782. Whether the conduct of the greater power towards the lesser was in these instances justifiable, Mr. Wheaton reasonably doubts.

"This perfect independence of every sovereign state, in "respect of its political institution, extends to the choice of "the supreme magistrate and other rulers, as well as to the "form of government itself." No foreign influence is to be applied to disputes concerning the succession or election of a monarch. Exceptions "may arise out of compact, such as "treaties of alliance, guaranty, and mediation, to which the "state itself, whose concerns are in question, has become a "party; or, *formed by other powers in the exercise of a sup-"posed right of intervention growing out of a necessity invol-"ving their particular security, or some contingent danger "affecting the general security of nations.*"

This latter principle of exception involves all the difficulties which we have already stated. Our author quotes the wars of the Spanish succession in the beginning of the

* Flassan, vii. 30.

eighteenth century, and of the Bavarian and Austrian succession in the latter part of the same century. It may be doubted whether any one of the powers that engaged in these contests had a moral justification in Wheaton's principle; but it is not only in the cases to which he has applied it that this remark is just,—"*No argument can be drawn from the fact to the right.*"—*Page* 135.

Under this head of independence Wheaton considers several questions which belong not so much to International law as to the Municipal law of a state, in reference to its own subjects as connected with foreign countries. Of such cases we take no notice; but the *droit d'aubaine,* "by which all the property of a deceased foreigner (moveable and immoveable) was confiscated to the use of the state," does raise a question of international law. Wheaton gives no opinion upon the legality of this practice. It appears to us, "barbarous and inhospitable" as it is, to come within the rights of sovereignty. Foreigners are aware of the law where it exists; and if they voluntarily subject themselves to its operation, have no cause of complaint. Wheaton says nothing of alien acts or passports. Although it is the practice of his country, and generally speaking, of England, to allow free admittance to strangers, and to permit them, as well as natives, to travel freely through towns or provinces, we presume that he includes the power of regulating such matters among the necessary attributes of sovereignty to be exercised at discretion*.

Wheaton mentions other cases in which "the municipal "institutions of a state may operate beyond the limits of its "territorial jurisdiction;" the person, he says, of a foreign sovereign going into the territory of another state, under the permission which, in time of peace, is implied from the absence of any prohibition, is, by the general usage and comity of nations, exempt from the ordinary local jurisdiction.

We had rather understood that the usage of nations forbade one sovereign to enter the territory of another without a special permission†. If, where that permission is given, a fo-

* See Martens, ii. 204, 406, 413.

† Vattel says that it is a very ridiculous notion, that a sovereign who enters a foreign country without permission may be arrested; but he adds, that a sovereign ought to give notice of his coming. (b. 4. c. 7. § 108.)

reign sovereign is exempted, as the native sovereign is, from civil or criminal process, (in the case, for instance, of a murder,) the exemption must rest upon usage, or what has been styled the *voluntary law of nations*, for he has certainly no right to this exemption. The case of a sovereign is one of rare occurrence, but the same remark may be made of the exemption from local jurisdiction, enjoyed in daily practice, by an ambassador or other public minister. And this is one of those cases in which the opinion of received writers and the practice of nations is so uniform, without any protest or discussion, that *a law* may be said to exist *morally binding* upon states and their rulers. The consent to receive a minister implies a promise to give him the privilege usually attached to the character. And this is intelligible enough, without having recourse to the *fiction* formerly set up, that an ambassador's residence is still in his own country.

The next exception arises in one of those rare cases of which nothing can safely be predicated. The case itself is special, and will generally be attended with special circumstances and special provisions.

"A foreign army or fleet marching through, sailing over, or stationed in the territory of another state with whom the foreign sovereign is in amity, are also in like manner exempt from the civil and criminal jurisdiction of the place." But it is said further, "if there be no express prohibition, the ports of a friendly state are considered as open to the *public armed and commissioned ships* belonging to another nation with whom that state is at peace. Such ships are exempt from the jurisdiction of the local tribunals . . . . . private vessels are not exempt*."

It is laid down, and, as we believe, has never been denied, that "the public and private vessels of every state, on the "high seas, and out of the territorial limits of any other state, "are subject to the jurisdiction of that state to which they be-"long." But this jurisdiction, it is added, is not so exclusive but that "piracy or other offences against the law of nations, "being crimes not against any particular state, but against "all mankind, may be punished in the competent tribunal of "any country where the offender may be found, or into which "he may be carried, although committed on board a foreign "vessel on the high seas†."

* Wheaton refers to Vattel, liv. i. c. 19. sec. 216, which relates to another matter entirely.

† Sir Leoline Jenkins, ii. 714.

Piracy is defined to be the offence of depredating upon the high seas, without being authorized by any sovereign state. If a ship so commissioned against one nation depredates upon another, it is not piracy; the offender is to be punished by his own sovereign. This case of piracy is another which illustrates the *customary* law of nations, which in this case has been transfused into the municipal law of civilized nations in general. By this, without doubt, the offence technically called piracy is not committed when the commander of a vessel, regularly commissioned by his sovereign, commits a violence on the seas, though *not* commissioned to do that particular act*. It is not the personal offence of piracy that is committed, but a public injury is done by one state against another, authorizing remonstrance; and, if punishment be not inflicted, or redress obtained, reprisals or war; and this arrangement is probably conducive to peace. If a state extended its protection to its lawless subjects, committing violence out of its local jurisdiction, there would be endless disputes with other states, and probably a great delay of justice: on the other hand, if an officer, duly commissioned in war by one state, were to be punished by another for exceeding or deviating from the purport of his commission, the commissioning power could not be expected to rest satisfied with the judgement of the foreign court, on the construction or execution of its own commissions, and the dispute which must necessarily occur between the two powers would be embarrassed by a questionable punishment, in addition to the original cause of complaint.

But a state does not possess, in time of peace, according to Wheaton, a right to visit and search foreign vessels on the high seas, for the purpose of bringing pirates to punishment.

Under this head Mr. Wheaton brings in the slight observations,—slight, from the spirit of friendship and conciliation which animates his book,—which he makes upon the question, whether a power may impress native seamen found on board foreign ships. He holds that a state has the right to command the military or naval services of its subjects, and that it may exercise this on board its own vessels on the high seas;

* The recent case of the pilot taken out of an English packet by the captain of a French man-of-war, is one of those in which an outrage, unauthorized by his government, was committed by a commissioned officer, and in which hostile consequences were prevented by an apology.

"But whether it may exercise the same right in respect of the vessels of other nations, is a question of more difficulty. In respect to public commissioned vessels belonging to the state, their entire immunity from every species and purpose of search is generally conceded. As to private vessels belonging to the subjects of a foreign nation, the right to search them on the high seas for deserters and other persons liable to military or naval service, has been uniformly asserted by Great Britain, and as constantly denied by the United States. This litigation between the two nations, who by the identity of their origin and language are the most deeply interested in the question, formed one of the principal objects in the late war between them. It is to be hoped that the sources of this controversy may be dried up by the substitution of a registry of seamen, and a system of voluntary enlistment with limited service, for the odious practice of impressment which has hitherto prevailed in the British navy, and what can never be extended even to the pirate on ships of a foreign nation, without provoking hostilities on the part of any maritime state capable of resisting such a pretension."

It is indeed to be desired that the continuance of peace will retain this question in a state of abeyance; but we fear that England cannot safely renounce the right; and that if in a future maritime war the practice of British seamen serving on board of American ships should prevail to a great extent, the right must be exercised. It appears to us that a neutral may submit to a search for seamen as well as for enemies or contraband goods*: and that to entertain the seamen of a belligerent nation after a proclamation of recall, is a mode of weakening one belligerent, and encouraging his subjects in disobedience of lawful orders, which a neutral may, without compromising its independence or dignity, suffer to be prevented, by force used by the belligerent towards the subject of the neutral. A government which encourages its subjects in the practice, or in resisting the belligerent's measures for protecting himself against its consequences, still more, one that encourages the seamen to serve in its own state vessels, commits an injury against the belligerent which he is justified in resenting by war. Unquestionably, the matter ought not to be pushed to this extremity, unless the evil is felt extensively; it is not every breach of neutrality on the part of subjects, or even of a government, that justifies war. In such a case as

* This appears to be the opinion of the writer of an able article in the Edinburgh Review (xi. 9.), to which Mr. Wheaton refers (p. 155). He refers also to a letter from Mr. Canning to Mr. Munroe, 23rd Sept. 1827; Mr. C. had died in August.

that now contemplated, it will generally be best to act against the offending subjects only; but if the consequent collision should induce war, it will be a war provoked by the neutral and defensive on the part of the belligerent.

Wheaton notices certain cases in which, by compact, consuls have a jurisdiction in foreign countries over the subjects of their own state, as in Turkey and the Barbary states. He should have mentioned the peculiar privileges of British subects in Portugal, under the treaty of 1654*.

In summing up, Mr. Wheaton states correctly, that generally speaking, the jurisdiction of a state extends over all persons offending against its municipal laws within its territory, or on board its public or private vessels on the high seas; or on board its public vessels in foreign ports, and over *its own subjects* everywhere. He adds, that a state may arrest its own subjects on the high seas, and punish them for an offence against its own laws, committed within foreign territory. It extends also to the punishment of piracy and other offences against the law of nations, by whomsoever and wheresoever committed.

"No sovereign state is bound, unless by special compact, "to deliver up persons, whether its own subjects or foreign-"ers, charged with or convicted of crimes committed in an-"other country, upon the demand of a foreign state or its "officers of justice."—*Page* 160.

Some states however, practise this *extradition* as to certain offences, in virtue of treaties. England has generally been indisposed to such stipulations. She stipulated with France, at Amiens, for the delivery of murderers, forgers and fraudulent bankrupts†; but we do not find that this stipulation was renewed in 1814.

We apprehend that a systematic and extensive harbouring of criminals, and encouraging them to take refuge (especially of state criminals) would be an offence justifying remonstrance, and ultimately war. It is a principle supported by the practice of Mr. Canning, that all that one government could require of another in regard to its subjects resident under it, is, that the same law shall be administered to them which go-

* Hertzlet, ii. 8. † Art. 20. Martens, ix. 571.

verns the natives*. Wheaton says nothing of this. Martens† applies it to alterations in the coin; but Pinheiro disputes his position, and maintains, that if the stranger has made a contract in money at one value, he is not to be subjected to loss by a regulation of the government which he was ignorant of at the time of making his engagement.

If Pinheiro is speaking of a moral obligation, or of the judgement which ought to be adopted in a court of law within the country of his residence, we have no concern with his position here; but we cannot hold that the case is one in which the stranger's own government ought to interfere; unless there is reason to believe that it is specially as a stranger, or rather as a subject of that particular government, that the edict is purposely to operate against him.

Having stated that pirates may be punished in any country, Mr. Wheaton considers the question whether *the slave trade* constitutes the offence of piracy. In the American courts this question has been determined in the negative. In our courts the decisions appear to have been contradictory; but as the treatment of slave traders is now regulated by a *treaty* with almost every state, we shall not discuss here that interesting but rather difficult question.

Passing to matters of less intrinsic importance, which have however frequently had more serious and general consequences, Mr. Wheaton treats, under the head of "Rights of Equality,‡" (p. 193) of the questions of international honours and precedence. The "text writers" placed all republics below all kings; but Cromwell set an example, which was followed by the executive directory of the French Republic, in asserting for a monarchical nation become republican, the right to enjoy its former rank. The practical importance of these discussions has been greatly diminished by the progress of civilization, which no longer permits the serious interests of mankind to be sacrificed to such vain preliminaries. . . . . An abortive attempt was made at the congress of Vienna to classify the different states of Europe, with a view to determine their relative rank. Though the powers did not succeed in

* Parliamentary Debates, 1823. viii. 294.
† Droit des Gens, i. 249, 428.
‡ Martens, i. 249; Kluber, i. 154.

this, they made some useful regulations about the rank of ministers, and, as "in drawing up public treaties and con-"ventions, it is the usage of certain powers to alternate both "in the preamble and the signatures, so that the second "power occupies, in the copy intended to be delivered to it, "the first place;" the congress provided that "in acts and "treaties between those powers which admit the alternation, "the order to be observed by the different ministers shall be "determined by lot*; and with the same view of avoiding "disputes ministers sometimes sign alphabetically, according "to the order assigned by the French alphabet to the re-"spective powers†."

The title of *Emperor* does not necessarily give precedence over Kings. France would not acknowledge the imperial title in the sovereign of Russia, without a reserve of her ancient precedence.—*Page* 200.

Wheaton alludes but slightly ‡ to a subject formerly thought of great importance, the claim of England to a maritime salute within "the narrow seas," in virtue of the dominion which she claimed over those seas. This claim has now been very wisely suffered to drop quietly: the treaties by which some nations, or certainly the *Dutch*, consented to allow it, were not renewed at the treaty of Amiens; and we know of nobody but Cobbett who objected to the relinquishment of this fruitless and troublesome pretension.

The claim of Denmark to certain honours in virtue of her alleged sovereignty of the Sound and the belts at the entrance of the Baltic, has lasted longer, but has been much modified; though the congress of Aix-la-Chapelle tried in vain to make a permanent and general regulation.§

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* Pinheiro (Martens, i. 440.) would rank nations according to their population. This would be full of difficulty, especially as to those (England, &c.) which have extensive possessions and unnumbered subjects abroad. See also Martens, ii. 54, &c. 330, &c. Pinheiro says that it is not unusual, and is perfectly in the discretion of a government, to accredit a minister to two powers at once; and he tells us that he heard "with a sort of indignation," Mr. Canning's answer to somebody who asked him in parliament why he had not admitted an envoy from one of the South American States, that the envoy was to represent his government in France and England both, and that England had a right to demand a *whole envoy*. Pinheiro thinks this *une plaisanterie aussi mal assortie à la gravité du sujet qu'à la dignité de la chambre*; but surely the objection was reasonable.

† A question might arise even here, where the name is complicated or various; Great Britain occupies the place of G.

‡ Page 203 and 220. See as to rank, Martens, i. 286. § Wheaton, i. 203.

The more substantial part of these claims is considered under the next head, "the Rights of Property." We shall not argue, with Selden, for the liability of the ocean to be reduced to possession, or for the possession by England of the seas which surround her island.* But the case is different when one nation owns all the coasts which surround a sea, and the straits which form its entrance. While Turkey possessed all the shores of the Black Sea and both shores of the passage into it, that sea might properly be deemed *mare clausum*, and all other nations might be excluded from it. When Russia acquired a territory on the shores, "*both that empire and other* "*maritime powers became entitled to participate in the com-* "*merce of the Black Sea*, and consequently to the free naviga- "tion of the Dardanelles and the Bosphorus. This right was "expressly recognised by the seventh article of the treaty of "Adrianople, concluded in 1829 between Russia and the "Porte, both as to Russian vessels and those of other Euro- "pean states in amity with Turkey.†"

Mr. Wheaton, we conceive, misapprehends the effect and intention of the treaty of Adrianople. There is no acknowledgement of the right of nations in general, nor indeed do we understand how the division between two parties of a right previously possessed by one, can give any rights to a third :— all that is acknowledged is a *right of way*, not only for Russia, but for those who trade with Russia.

Although Denmark long ago ceded to Sweden one side of the Sound, she reserved and still exercises the sole right to take toll. The right to take toll would seem to imply a right to exclude strangers ; but no such claim has been made by Denmark, and the tolls are regulated (where there is no special treaty, as with the Dutch and others) by a very ancient tariff.‡

* This claim indeed is referred to a period at which the whole island was not under one dominion.

† Page 221. There has been much error with respect to the admission of British ships of war into the Black Sea. By the 11th Article of the 5th of Jan. 1809, England distinctly acknowledged, that no ship of war had a right to enter the Dardanelles or the Black Sea. The Porte might give or withhold permission, and there is no hostility to any third power, or even unfriendliness in the promise given in the additional Article which applies to a case of war only. By the additional Article of the treaty of Unkiar Skelesse between Russia and the Porte, the Ottoman's government promises to refuse permission to any foreign ship of war to pass the Dardanelles while Russia is at war. (Martens, Sup. v. 160. and xv. 655.)

‡ By the treaties of 1660 and 1670, renewed in 1814, English vessels have the privilege of paying the tolls on their return, and are entitled to the tariff of the most favoured nation. Hertzlet, i. 185, 90.

But "the Baltic Sea is considered, by the powers bordering "on its coasts, as *mare clausum* against the exercise of *hosti-* "*lities* by other powers on its waters, whilst the Baltic powers "are at peace."

An extraordinary extension of this claim, which England professes never to have admitted, was preferred by Russia in 1807, when the inviolability of the Baltic was asserted, notwithstanding that France, the enemy of England, had acquired an extensive territory on the shores of that sea.

Under the same head is considered the right which each nation has to the territory which it occupies. "The general "consent of mankind has established the principle, that long "and uninterrupted possession by one nation excludes the "claim of every other."—*Page* 207. Little or no doubt arises with respect to *European* territory; but the extension of European dominion in Asia, Africa and America, has given rise, even in our day, to questions of importance and difficulty.

In 1790 a dispute about Nootka Sound very nearly involved England in a war with Spain; it ended in satisfaction to England for the seizure of her vessels, and in full security for her fisheries; but the question of territory was compromised or suspended.

Russia and the United States of America also settled by a compromise the disputes which arose out of the emperor's exclusive claim to the territory upon the north-west coast of America*. In these disputes the question of fact is too much mixed up with that of principle for a discussion in this article, especially as we are not aware whether England or any third power took a part in the controversy. In our view, the discussion is most remarkable for the very extensive claim of Russia, to consider the whole extent of sea, between Behring's Straits and the 51st degree of north latitude on the one side, and from the same strait to the 45th degree on the other side, as a *mare clausum* from which Russia might exercise the right of excluding all foreigners,—the distance from shore to shore being, as was observed by Mr. Quincy Adams, the American secretary of state, not less than 4000 miles†.

* From Behring's Strait to the 51st degree of north latitude, and in the Aleutian Islands on the east coast of Siberia, and the Kurile Islands from the same strait, to the south cape in the island of Ooroop, in 45° 51′ north latitude. See treaty of 17th April 1824, in Martens' Sup., x. 1010.

† Ann. Reg., 1822, p. 581–583.

It is, indeed, impossible to lay down any general rule for the application of the right of occupation, or first discovery. A small island may be appropriated at once; but where the open country is extensive, what limits shall be assigned to territorial rights acquired by the construction of a tower, or the establishment of a military post? No one will say that the fort is to command nothing but its own esplanade. No one, probably, will say that it is to confer the right of property over 100,000 square miles adjacent. Who shall fix a medium between these extremes?*

"The maritime territory of every state extends to the ports, "harbours, bays, mouths of rivers, and adjacent parts of the "sea, inclosed by headlands belonging to the same state. "The general usage of nations superadds to this extent of "territorial jurisdiction a distance of a marine league, or as "far as a cannon-shot will reach from the shore, along the "coasts of the state."—*Page* 215.

The reason of this rule, adopted by the usage of nations, appears to be this: the possessor of the land has the sea, so far as he can command it†,—to the extent, that is, within which he can prevent any other person from coming,—*Terræ dominium finitur, ubi finitur armorum vis*‡. A curious question might possibly arise, if chemical or mechanical ingenuity were to invent a gun which would treble or quadruple the present range. Questions of some difficulty have arisen, as to what should be deemed *the coast*, where, for instance, there are islets at a very short distance from the shore. On these questions Wheaton adopts the decisions of Sir William Scott.

Mr. Wheaton's remarks on rivers are important:

"The rivers which flow through a territory form a part of the domain, from their sources to their mouths, or as far as they flow within the territory, excluding the bays or estuaries formed by their junction with the sea. Where a navigable river forms the boundary of conterminous states, the middle of the channel, or *thalweg*, is generally taken as the line of separation between the two states, the presumption being, that the right of navigation is common to both; but this presumption may be destroyed by actual proof of prior occupancy and long undisturbed possession giving to one of the ripuarian proprietors an exclusive title to the entire river§.

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* See Martens, i. 116, 379.
† But see Pinheiro in Mart. i. 382.
‡ Sir W. Scott, 5. Rob. 385*.
§ See Martens, i. 121.

. . . . . The right of navigating, for commercial purposes, a river which flows through the territories of different states, is common to all the nations inhabiting the different parts of its banks; but this right of *innocent passage*, being what the text writers call an *imperfect right*, its exercise is necessarily modified by the safety and convenience of the state affected by it, and can only be effectually secured by mutual convention regulating the mode of its exercise*."

It may easily be imagined, that the various rivers of Europe, which flow through different territories, have given rise to a great many questions. The Congress of Vienna endeavoured to settle these by general rules; but the treaty itself raised new questions. The principle was this:

"The navigation throughout the whole course of the rivers referred to in the preceding article, [which article mentioned 'the powers whose states are separated or traversed by the same navigable river,'] from the point at which each of them becomes navigable, to its mouth, shall be entirely free, and shall not be liable, in respect of commerce, to be interdicted to anybody, always conforming to the rules which shall be made for the police, in a manner uniformly applicable to all, and *as favourable as possible to the commerce of all nations*†."

Questions soon arose, especially as to the Rhine: the Dutch maintained that the river, properly so called, had no navigable outlet into the sea, and founded thereon various burthensome pretensions; but the differences were settled in 1831‡ by a convention among the several states bordering upon the river, which insured the desired outlet, and regulated the duties and police.

England took some part in the previous regulations, and has always maintained that the treaty of Vienna made the Rhine open to her vessels, and those of all other nations,—a construction which may perhaps be doubted§. To the Con-

* Page 228. It should be noted, that although we do not repeat his references, Wheaton seldom lays down principles without referring to the "text-writers," as in this instance to Grotius, Puffendorff and Vattel.

† Treaty of Vienna, Hertzlet, i. 14; Martens, i. 121.

‡ May 31. State Papers, 1830–31, p. 1076.

§ As this question arises upon the construction of a treaty, and not upon the law of nations, we shall only state shortly the reasons of this doubt. However general are the words of the article cited, *personne*, and *toutes les nations*, we think that coupled with the other articles, which always speak of the *gouvernemens riverains*, and give to the Committee at Mentz, representing such governments, the entire control of the river, these terms *may* be construed to apply to the *états riverains* only. And we think it likely that they were so intended, because the same terms are used as to all other rivers which traverse different states, including the Po. And it hardly appears probable that the whole world would have been

vention of Mayence the Rhenish states were the only parties: viz. Baden, Bavaria, France, Ducal Hesse, Nassau, the Netherlands; and in settling by agreement the differences between the Netherland government and the others, that treaty reserved the rights of the several parties, but took no notice of the rights of maritime nations in general.

Under the head of the "International Rights of States in their pacific relations," (part 111), Mr. Wheaton considers legations, negotiations, and treaties (p. 257). The sending or receiving of ministers from another state is truly stated to be perfectly optional with every government, and it follows that "one court may refuse to receive a particular individual as "minister from another court, alleging the motives upon "which such refusal is grounded." Passing minor matters*, we shall only remark that the diplomatic character ceases when either the sovereign *to* whom, or the sovereign *by* whom, the minister is accredited, ceases to exist.

Wheaton tells us that a question has been raised among jurists, whether an ambassador, whose person is certainly inviolable within the country to which he is accredited, enjoys the same privilege in a country through which he passes to it. Vattel alone is supposed to maintain the affirmative: we agree with Wicquefort and others, in ascribing to a public minister no sacredness of character, except while in the country to which he is accredited; but it does not appear to us that Vattel differs. His opinion, given particularly upon the murder of the two ministers of Francis I. in passing through Milan, is, that this act, supposed to be committed by the Austrian governor, who was not punished by the emperor, constituted an outrage of which the king of France had a right to complain, as an infraction of friendship, if not of international law†.

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admitted to navigate these rivers upon the same terms as those to whom they belong, and it is remarkable that the first article of the Convention of Mayence, in copying the first of the Vienna articles, omits the words *aussi favorable que possible au commerce de toutes les nations.* Mr. Wheaton treats at much length of a controversy, now obsolete, between the United States and Spain concerning the Mississippi, and one with England concerning the Saint Lawrence. As the latter is apparently still pending, and we have not access to the papers to which the author refers, we shall say nothing upon it.

* There are several details as to the classification and privileges of ministers, and diplomatic etiquette, &c., for which we have no space, but refer to our vol. xiii. p. 20.

† See Vattel, b. iv. c. 7. sec. 84. and Rob. Ward, ii. 556.

It is stated under the head of "Rights of Negotiations and Treaties" (part iii. ch. 2), that the municipal power of each state is to determine what person or body shall have the power of negotiating with a foreign state. A question has arisen, whether a ratification* by the sovereign or other competent authority in each state is absolutely necessary, although no reservation to that effect is in the treaty; and those who hold that it is *not* essential, "infer that the ratification may "be arbitrarily refused when it is thus reserved. Others "maintain that it cannot with propriety be withheld, unless "for strong and substantial reasons, such, for example, as the "minister having deviated from his instructions." Wheaton, as usual, gives no opinion. We are clearly of opinion, that a government is bound to ratify, except in a case of such an exceeding of power, or departure from instructions, in the negotiator, as to justify his prince's disavowal. To justify this there ought to be a manifest departure from the *decided* intentions of the prince. This is eminently one of the cases in which the principle of right, and the sense of honour, which actuate a christian and a gentleman, ought to sway the counsels of a prince. If the agent, on a fair construction of his instructions, was authorised to insert the article in the treaty, or the passage in the deed, the principal ought not to disavow him merely because he has himself changed his mind. Nor is he honestly at liberty to withhold his ratification on account of any change that has occurred in the situation of the parties.

Our author adverts to a mixed question, concerning partly the law of nations, and partly the internal law of states; whether a stipulation is absolutely binding upon the contracting parties, which falls under "some limitation of the treaty-"making power, expressed in the fundamental laws of the "state, as necessarily implied by the distribution of its con-"stitutional powers,—such, for example, as a prohibition of "alienating the national domain?" (p. 294). Cases of more frequent occurrence in England, are those of a stipulation to pass certain laws of trade and navigation, or to *appropriate money*. In such cases, it is usual for the king to stipulate

* See Mart. 136, 388. and Klüber, i. 323.

that he will *recommend to parliament* to make the necessary provision.

Considering these as international questions, we hold, first, that no sovereign ought to make a stipulation in a treaty which it is not within his competence to carry into effect, or to undertake to recommend such to those that are competent, unless he has, *bonâ fide*, a conviction that the thing will be done. Secondly, that if, from whatever cause, the thing be not done, —that is, if the recommendation be not complied with as well as made,—the other party to the treaty is justified in declaring it null and void; and if a prince makes a *positive* stipulation, where his prerogative only allows him to make a conditional one, he not only vitiates the treaty, but commits a moral offence.

Mr. Wheaton is of opinion, that the power to alienate national territory exists where it is not *expressly* withholden.

Whatever may be the powers of the king of England with respect to the alienation of the Isle of Wight, it is clear that he cannot transfer to a foreign state any portion of money from his exchequer, or raise money by taxes to be so transferred, or in any way alter the laws of the land. In the memorable instance of the commercial treaty of Utrecht, a measure, in the modern phrase, of *liberality*, in which the Tories were defeated by the Whigs, to the detriment, as we think, both of France and England,—the treaty fell to the ground for want of parliamentary sanction*. We do not recollect any later instance; but we apprehend that there have been some at recent periods, in which the sanction of parliament has been given, not so much from approbation of the agreement, as from an unwillingness to disavow the crown†.

Wheaton shows‡, (p.390,) that treaties are abrogated, if not renewed after an intervening war; but rights of property created under them are not annulled. If by a treaty of peace, a certain island is ceded by one power to another—the two

* See Tindal, vi. 77, 85.

† The 12th article of the Greek treaty of May 7, 1832, relative to the Greek loan, affords a specimen of the method now adopted by constitutional sovereigns; "the emperor of all the Russias *engages to guarantee*, and the kings of the United Kingdom and of France *engage to recommend*, the former to his parliament, the latter to his Chambers, *to enable them to guarantee*," the proposed loan.—Ann. Reg. 1832, p. 389.

‡ See Martens, i. 150, 390.

powers again go to war, and terminate it by a treaty which does not renew the former,—the island does *not* consequently revert to its original owner; or if (as in a case cited by Mr. Wheaton,) private titles to lands are created or confirmed by a treaty, neither the war nor the non-renewal of the treaty invalidates those titles. But a stipulation that something shall be done continually, or repeatedly by one state to another,—as the payment of an annual sum of money, or the performance of some ceremony (as the lowering of topsail by the Dutch) on occasions of repeated occurrence,—does become obsolete, if not revived after a war, either specially, or by general words of renewal.

One class of stipulations has a peculiar character, being made *in contemplation of a rupture* between the parties, who are at the same time engaging to live in perpetual friendship. Such is one made in 1794 between England and America, providing that private debts, or shares, or monies in the public funds, or in public or private banks, belonging to private individuals, should never in the event of war be sequestered or confiscated*. Unquestionably both parties were under a moral obligation to respect this article.

Our author is less precise than we should wish, on the very important and practical question of *guaranty*.

"It is an engagement by which one state promises to aid another where it is interrupted or threatened to be disturbed in the peaceable enjoyment of its rights by a third power. It may be applied to every species of right and obligation that can exist between nations; to the possession and boundaries of territories, the sovereignty of the state, its constitution of government, the right of succession, &c.; but it is most commonly applied to treaties of peace....The guarantee may be stipulated by a third party, not a party to the principal treaty, by one of the contracting parties in favour of another, or mutually between all the parties. Thus, by the treaty of peace concluded at Aix-la-Chapelle in 1748, the eight high contracting parties mutually guaranteed to each other all the stipulations of the treaty. The guaranteeing party is bound to nothing more than to render the *assistance stipulated*. If it is not sufficient, he is not obliged to indemnify the power to whom his aid has been promised; nor is he bound to interfere to the prejudice of the just rights of a third party, or in violation of a previous treaty, rendering the guarantee inapplicable in a particular case. It was upon these grounds that Louis XV. declared, in 1741, in favour of the elector of Bavaria against Maria Theresa, the heiress of

* It is not, we believe, now in force.

the Emperor Charles VI., although the court of France had previously guaranteed the pragmatic sanction of that emperor, regulating the succession to his hereditary states; and it was upon similar grounds that France refused to fulfil the treaty of alliance of 1756 with Austria, in respect to the pretensions of the latter power upon Bavaria in 1778, which threatened to produce a war with Russia. Whatever doubts may be suggested as to the application of these principles to the above cases, there can be none respecting the principles themselves, which are recognized by all the text writers. These writers make a distinction between a *surety* and a *guarantee*. Thus Vattel lays it down, that where the matter relates to things which another may do or give, as well as he who makes the original promise, as for instance the payment of a sum of money, it is safer to demand a surety (*caution*), than a guarantee (*garant*); for the surety is bound to make good the promise in default of the principal, whereas the guarantee is only bound to use his best endeavours to obtain a performance of the promise from him who has made it."—*Page* 302.

Surely Mr. Wheaton misapprehends the nature of guaranties, when he speaks of "*the assistance stipulated.*" A stipulation to give, in any particular case, definite succour, or succour with the whole force of the party, is quite another matter.

By the 17th article of the treaty of Vienna, Austria, Russia, England and France guaranteed to the king of Prussia, his descendants and successors, the possession of the dominions which he then acquired, formerly part of the dominions of Saxony*. That this stipulation meant, or ought to have meant, something more than an undertaking to put Prussia in possession of this territory, is evident from its extension to his successors; and that it meant something more than a mere recognition of his descendible title, is evident from its *peculiarity*—there being no guaranty of other districts which were at the same time assigned to Prussia. Yet there is no promise of specific aid, or of any aid at all.

Vattel is quoted, who says that the guarantee is only bound "to use his best endeavours to obtain a performance of the promise from him who made it." But this remark, which our author appears to apply to all guarantees, is applied only to the case of something promised by some other party. In the case we have cited (which is one of many), certain parties guarantee to another what they have done in his favour.

It might perhaps be said that the guaranty is satisfied, so long as he who gives it abstains from doing anything which

* Martens, sup. vi. 389.

tends to deprive of his possession, him to whom it has been given; but, if so, the stipulation is nugatory, for *that* obligation is implied in the mere stipulation or recognition of the transfer; and thus the territory guaranteed, and that not guaranteed, are precisely upon the same footing.

The distinction between *guaranty* and *surety* is applicable to a promise to pay money, to which payment (in case of failure) it is said the guaranty does not bind the party who gives it, the surety does. If this distinction be correct, guaranties certainly amount to nothing. Far from binding a party to give *stipulated succour*, they do not bind him to give any succour at all. Not only do they not bind him, as would, we conceive, be naturally supposed, to employ his utmost efforts to preserve to his friend that which he has guaranteed to him, but they do not bind him to use any effort at all; the engagement, instead of being something more than a stipulation to furnish a limited aid, is something much less; it is, indeed, as the king of Prussia said, a mere work of *fillagree*.

Nothing is said by Mr. Wheaton, nor by any other writer (so far as we know) of *joint* guaranties. In such cases two new questions arise. First, Supposing guaranties really to bind a party to exert himself to preserve the cession or stipulation guaranteed, is *one* party bound to that exertion, when the others, without whom, perhaps, it must be ineffectual, decline to fulfil their part in the engagement? and, Secondly, In that case, and still more where one of these parties himself infringes the stipulation of guaranty, and does that which his guaranty was to prevent, has the faithful party to that guaranty a just cause of quarrel with him?—and, it may be added, is he bound by his guaranty to pursue that quarrel?

Our conclusion is this: if guaranty means nothing, it ought to be disused, as an idle word. If it means anything, it ought not to be given by an honest prince, unless he is prepared to fight in the maintenance of it, as he would for his own dominions. Is it necessary to add, that there is scarcely a conceivable case in which a guaranty of a territorial possession, or of any complicated arrangement affecting various interests, can wisely and honorably be given?*

* See on Guaranties, Martens, i. 160. and ii. 304.

A case has lately occurred illustrative of the embarrassments arising from joint engagements. England, France and Russia undertook to guarantee, in case of need, loans to a certain amount, to be made by the new Greek government —each state was to guarantee a third. All went well for some time. Two-thirds of the loan were thus guaranteed, and each state bore its share; but at last Russia and France demurred, and England was obliged, either to leave Greece without funds, or to take the whole of the next advance upon herself—and this she did.*

Mr. Wheaton explains the difference between defensive and offensive alliances†, of which the one extends only to "a "war really and truly defensive," the other "engages an ally "generally to cooperate in hostilities against a specified "power, or against any power with whom the other party "may be engaged in war."

There are also treaties whereby "one state stipulates to "furnish to another a *limited* succour of troops, ships of war, "money, or provisions, without any promise looking to an "eventful engagement in general hostilities. Such a treaty "does not necessarily render the party furnishing this limited "succour the enemy of the opposite belligerent."

It should have been added, "provided that the treaty of succour was prior to the war;" and thus qualified, this dictum is undoubtedly conformable to the customary law of nations; and it was acted upon in a memorable instance by France and England, who fought on opposite sides at the battle of Dettingen, *without being at war*! The consequence of this principle, admitted, as it certainly is, into the diplomacy of Europe, is just this: a prince is not dishonoured that forbears to make war against one who attacks him in conformity with the principle.

But it is certain that this limited hostility has a tendency to extend itself into unqualified and angry war; nor can we doubt but that a state, attacked by a third party in virtue of a previous treaty, has a perfect right to consider that party as his enemy‡.

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* See Parl. Deb. xxxv. 615. and Act.

† See Martens, ii. 227.

‡ See Pinheiro's opinion in Martens, ii. 396.

According to the text writers, our author tells us, the party to a defensive alliance is not obliged to assist his ally "in a "war manifestly unjust, *i. e.*, in a war of aggression on the "part of the power claiming the benefit of the alliance." And some hold that the stipulation of succour is, *in all cases*, by a *tacit* condition, limited to "a just war." Still, this tacit condition must not be used as a pretext to elude an engagement. "In doubtful cases the presumption ought rather to "be in favour of our confederate, and of the justice of his "quarrel."

Wheaton illustrates this matter by two instances, in which England was concerned. A defensive alliance had existed between England and Holland from the year 1678, and had been recently renewed, when war broke out between England and France in 1756. By this alliance, there was, with many other stipulations of the like nature, a mutual guaranty of possessions *in Europe*.

The Dutch, when called upon to assist England in virtue of this alliance, replied, 1st. That England was the aggressor in the war; and, 2nd. That, admitting France to be the aggressor in Europe, her aggression arose out of hostilities previously commenced in America.

The celebrated "Discourse" of the first Lord Liverpool, who answered these objections, is extracted with much commendation by our author. To the first, however, the answer is a little fanciful, inasmuch as the noble writer ascribes to the negotiators of the treaty of 1678, a more careful and foreseeing consideration of its wording than is either probable in itself, or consistent with the history of the treaty which was hastily copied from the French and Dutch treaty of 1662. He represents, too, the alliance as not altogether *defensive*, though the States General never made any other, and thus appears to weaken the main point urged in answer to the second objection, which was, that in the original cause of the war France was the aggressor, and that the attack on our European possession (Minorca) was a part of that aggression.

In our opinion France was the aggressor; but the case was certainly one of those,—indeed, there are few that are not,—in which an unwilling ally might find a plausible ground for doubting.

The other instance is the succour given by England to Portugal in 1826; and this is adduced by Wheaton, to show that the assemblage of troops, with a manifest purpose of aggression, the encouragement of subjects to revolt, and soldiers to mutiny, and all this while the sovereign was denounced as an usurper, did constitute an aggression, and entitle Portugal to call upon England.

All this is unquestionably just; an attack menaced is equivalent to an attack made; and England, no doubt, fairly and honourably fulfilled her engagement, under circumstances in which she might have found many precedents for evasion. But it is true, that although England took much pains to have it understood that her expedition was solely and entirely in pursuance of her treaties*, her ministers felt the obligation as in no degree burthensome, and did no violence to their inclinations in fulfilling them.

Grotius†, but still more Vattel‡, and Rutherfurd§, are quoted with approbation, for their "technical rules of interpretation," applicable to "international compacts in cases of doubt." It is perhaps hardly fair to style these rules *technical.* They all lead to a construction according to the most obvious and accepted meaning of the words, and the expressed intention of the party promising, and the probabilities of the case. In international transactions, as in those of private life, some cases of conflict and doubt will arise, which may place the most conscientious man in a difficulty.

In referring to the mediation, which our author says correctly, may be refused when spontaneously offered, and carries with it in no case any *authority*, or any obligation to enforce that which it recommends,—he omits to notice the cognates, good offices and arbitration‖. *Good offices* are a voluntary interposition of advice, to one or both of two contending parties, with a view to adjust the difference; but do not require, as a mediation does, to be accepted by either party. Arbitration speaks for itself. There have been of late two considerable instances, in both of which England

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* Parliamentary Debate, xvi. 364. Stapleton, iii. 221. Wheaton refers, in his text, to the Edinburgh Review, xlv. 242.

† B. ii. c. 16. ‡ B. ii. c. 17. § Inst. of Natural Law, vol. ii. c. 7.

‖ See Martens, ii. 20. Kluber, i. 253.

and America have been concerned. The king of the Netherlands acted as arbitrator between England and the United States, on the disputed boundary of the state of Maine; and England arbitrated between France and the United States, in regard to a pecuniary compensation from the latter for illegal captures at sea. The latter was successful—the former failed. Without going into the merits, we may say that this raises a question of some importance, and illustrates the necessity of precision, as well in drawing a treaty as in stating a case for arbitration and its objects. The question was how to carry into effect, according to the true intent and meaning of the treaty, a certain stipulation in the treaty of 1783 defining the boundary. The arbitrator found that the article was in itself incapable of execution, being geographically erroneous; but he took the map, and drew what he thought a fair line. England, though not entirely satisfied with the decision, acquiesced in it; but the United States declared that the king had done that which was not referred to him, and that the arbitration was null: they still insist upon the old, and, as an impartial judge says, impracticable treaty, and will not consent to any *conventional* line of demarcation*.

The "International Rights of States in their hostile relations" occupy Mr. Wheaton's second volume.

"The independent societies of men called *states*, acknowledge no common arbiter or judge, except such as are constituted by special compact. The law by which they are governed, or profess to be governed, is deficient in those positive sanctions, which are annexed to the municipal code of each distinct society. Every state has therefore a right to resort to force as the only means of redress for injuries inflicted upon it by others, in the same manner as individuals would be entitled to that remedy, were they not subject to the laws of civil society. Each state is also entitled to judge for itself what are the nature and extent of the injuries which will justify such a means of redress."

Assuming, as we necessarily must in this discussion, that a *state* is so far to be considered as an *individual*, that any wrong done to any member of it is a wrong done to the whole, we are not aware that a more accurate explanation than this

* The government of the United States is hampered by the rights of the subordinate government of the State of Maine.

can be given of the *right of war*. But while we admit that a state is *entitled* to judge for itself of the propriety of making war, we hold, according to the principles declared at the commencement of this article,—that every person having power to sway the decision of a state in such a case is bound to decide according to the dictates of the religion which he professes:—he may take into consideration remote as well as immediate consequences; he may fairly calculate the injuries which he may bring upon himself and his fellows, or their posterity, by forbearing to resent an injury or even an affront; but unless he is satisfied that, upon the balance of good and evil, war is necessary, it is his duty to abstain from it.

And certainly it is his duty to avail himself, if possible, of any of "the various modes which our author enumerates of "terminating differences between nations by forcible means "short of actual war."

These are, first, *embargo* or sequestration of "the ships and "goods of the offending nation *which are found within the ter-* "*ritory* of the injured state." This is a mitigated act of hostility, adopted in a case in which the government which uses it has a cause of war, but while there still remain hopes of averting war, and of bringing the other party to a concession or accommodation. If, however, war does ensue, it is deemed by the law of nations, as administered in our courts and recognized by Mr. Wheaton, to have commenced at the date of the embargo.*

Another mode stated by Wheaton is, to take forcible possession of the thing in controversy; or by *retaliating* upon the offender, either vindictively, by doing the same wrong to him that he has done to you, or amicably, by applying to him the same rule of conduct which he has applied to you; or lastly, by "making reprisals upon the persons and things be- "longing to the offending nation, until a satisfactory repara- "tion is made for the alleged injury. . . . . Reprisals are "*negative* when a state refuses to fulfil a perfect obligation "which it has contracted, or to permit another nation to en- "joy a right which it claims; they are *positive* when they con- "sist in seizing the persons and effects belonging to the other

* Rob. adm. rep. v. 246. Vattel, b. ii. ch. 18. sec. 342.

"nation in order to obtain satisfaction. General reprisals are "the first step which is usually taken at the commencement "of a public war, and may be considered as amounting to a "declaration of hostilities, unless satisfaction is made by the "offending state."

It will be seen that Wheaton's *embargo* applies only to ships and goods which are within the territory of him who lays it: but there are ordinances under the name of embargo which extend to the detention of *vessels met with on the high seas*; and especially that of the order in council of 6th Nov. 1832, as to Netherland vessels.* Robert Ward considers the embargo being *confined to the ports of the sovereign* as one of its distinguishing characteristics.†

It is not easy to distinguish an act of general detention from *reprisals*. It appears to us that a nation *which has a right of war against another* may use *any* form of mitigated hostility. The larger right includes the smaller. Jurists say, that as reprisals and acts of this sort "are a retribution for some wrong done, they cannot lawfully be resisted."‡ Undoubtedly, if one party is clearly in the wrong, the other is clearly in the right, and resistance is a continuation of the wrong: but as, probably, each party is equally satisfied that he is in the right, that one who is the object of the hostility, however qualified, has clearly a right of war against the other, though (as in the case of Holland in 1832) he may sometimes not think fit to act upon it. The difference between the last and actual war is this: the state of hostility created by reprisals ceases, (unless the party upon whom they were made is thereby provoked into war,) so soon as the particular object for

* Ann. Reg. 1832, p. 365. See Sir Robert Peel's speech of 15th February 1833, (Parliamentary Debates, xv. 770.), but there is not much in the debate to illustrate the international law of embargo.

† Inquiry into the manner, &c. p. 50. A case has lately occurred, which we believe to be new, and which strikingly illustrates the difficulty of reducing international affairs to a fixed rule of law.—France has a quarrel with Mexico, is severe in her exaction of terms, and enforces them by a general blockade. It is alleged that she is in the wrong in the quarrel, or goes beyond justice in her demands; that blockades are never recognised by neutrals except in time of actual war, and that this blockade is imposed *purposely* to injure the British trade with Mexico. We cannot dispose in this article of the grave questions of law and fact which hence arise. We own that the debate in the House of Commons on the 19th of March does not make the matter quite clear to our minds. (Parliam. Debates, xlvi. 891.) But the case is too much one of temporary politics to be treated further here.

‡ Ward.

which they were made is accomplished; whereas a war once commenced is only terminated by an agreement, and upon terms.

There are *special* reprisals, where the sovereign authorizes an individual to do himself right upon the subjects of other nations: these are now in disuse.*

"The right of making war, as well as of authorizing repri-
" sals or other acts of vindictive retaliation, belongs in every
" civilized nation to the supreme power of the state." This remark opens one of the most difficult questions of practical government. The power of making war, or of pursuing such conduct towards a foreign nation as must probably lead to war, would assuredly be assigned by any theoretical framer of constitutions to the supreme power of the state; to that power which alone can take from any individual the smallest part of his property, or put it or his person under any sort of restraint. Yet there is, we believe, not one country in Europe, and very few elsewhere, in which this power of making war is reserved to the supreme authority.

In England it is the prerogative of the crown to declare war, make treaties, and employ the forces of the state (in foreign parts) at its pleasure. It is true that the king cannot raise or pay soldiers, or maintain and pay ships and seamen, without the consent of parliament, (which *is* the supreme power,) annually renewed; but it is equally true, first, that the king has constantly and necessarily at his disposal, in time of peace, by authority of parliament, ships and soldiers which he can employ in hostilities; and secondly, that although these would not enable him to carry on an extensive war, and he must come to parliament yearly for the means and authority to maintain even them, yet as he can himself commence hostilities, declare war, and make alliances for carrying it on, he can reduce the parliament to the necessity of either supporting him in his measures, whether they approve of them or not, or breaking the national faith, and submitting to what has by competent authority been declared an intolerable injury or unpardonable insult.

We take England as an illustration; but the same obser-

* We believe that Cromwell granted them in at least one case.

vation applies to France and other constitutional monarchies, and even to the United States of America themselves. How to avoid this difficulty, and at the same time to preserve unity and energy in the management of international relations, we own ourselves unprepared to suggest; but we do think the difficulty one of great, and by no means diminishing, importance.

The state of Europe, and the extension of our colonies, induce parliament to place at the disposal of the crown so large a force, especially naval, that it is in the power of the ministers to make a hostile demonstration, or commit hostilities from which there is no withdrawing, without asking the previous consent of parliament. We must not deviate into an internal question; but we believe that it will be found that the practice of conducting foreign affairs, without reference to parliament, in a case which may lead to war, is more frequent now than at any former period—much more so than in the times of Walpole or Pitt. The quadruple alliance of 1834 is a memorable instance: a treaty is made while parliament is sitting, and immediately laid before the Houses, concerting with other powers a rather indefinite interference in the affairs of Spain and Portugal. No communication is made from the crown, nor even explanation given by its ministers, of any intention to go further; but within a few days after parliament is prorogued, a further treaty is made, binding England to appropriate her money and employ her ships in assisting one party to a civil war: and, according to one version of the engagement, of which there is *no* authentic explanation, *in eventual acts of hostility against a third state**.

Although some attempts have been made in our time to insist upon the necessity of a *declaration of war*, we may fairly take it to be admitted, as Wheaton does†, that no such declaration is necessary. It is *because* we look upon war as justifiable only in extreme cases, and *because* we hold that christian principles ought to be applied to war, as to other

* Such is the statement of the Earl of Minto, First Lord of the Admiralty; he differs herein both from the First Lord of the Treasury and the Secretary for Foreign Affairs. (See Parl. Deb., xxv. 953, and xxxviii. 158, xliv. 58.) Lord Melbourne disavows Lord Minto's instructions to our cruisers to prevent neutral powers from carrying supplies to the Carlists.

† Page xi. See Ward's Inquiry.

parts of man's conduct, that we hold a previous declaration of war unnecessary, and in most cases inapplicable and inexpedient.

Wars for the display of chivalry, and wars for the acquisition of territory, we hold to be absolutely unlawful and wicked. If no war is just, but such as he who makes it conscientiously deems necessary, on the principles of self-defence, or the defence of a friend, the war is commenced by the party which inflicts the wrong. No previous declaration will sanction a wrong, and no previous declaration is required to justify the repelling it.

Assuredly, if the wrong is equivocal, the offended party is bound to make known to the adversary his intention to resent, or resist, or prevent it; but he is not bound to give notice of the moment in which he will begin to act hostilely,—a notice which would often deprive him of the means or opportunity of redress*.

After the commencement of hostilities, a declaration of the existence of a state of war, and its motives, is certainly convenient for all parties; as well for the vindication of the national character, as for giving notice to subjects and to neutrals, who have respectively duties to perform, and who may be innocently betrayed into situations of great loss and difficulty. And it is the duty of a government to make this notification at the earliest moment at which it is compatible with the object of the hostilities.

Writers differ upon the question, upon which Wheaton gives no positive opinion, whether the goods of an enemy found within the territory of a belligerent state are liable to seizure†; "and the tendency of modern usage between na-" tions seems to be, to exempt such property from the ope-" rations of war."

Bynkershoek, the writer who, in our opinion, generally takes the soundest view of questions of this sort, because he has the most just view of the nature and justification of war, recognises the right of the belligerent to seize the property of the enemy, including "things in action, as debts and credits." And he gives precedents, ending however in 1657,

* See Ward, p. 5, and App. 62, &c. Martens, ii. 167, 377. † Ibid., p. 38.

and not without objection, especially from the States-general of Holland.

But Wheaton says on the other hand, "there is the nega-"tive usage of nearly a century and a half previously to the "wars of the French revolution." During all this period, the only exception to be found is the case of the Silesian loan of 1753;—the subject of the celebrated report of Dr. Lee, and other English lawyers, whose report is highly commended by Vattel and Montesquieu.

But Vattel's commendation is applicable to the general exposition of the law, and expressly reserves the merits of the king of Prussia's conduct, on which he gives no opinion; and our author, as we apprehend, misconceives also the report itself, which turns upon this point, that the king himself, the author of the seizure, was the person bound by the terms of the loan*. "It will not be easy," said the lawyers, "to find "an instance where a prince has thought fit to make repri-"sals upon a debt *due from himself to private men.*" And then they quote the respect paid by France, Spain and England, in the late war, to the property of their respective enemies *in their public funds.* After mentioning other peculiarities in the terms of the contract, they urge that the money ought to have been repaid some years before; and the king having wrongfully withheld it, could not legally take advantage of his own wrong. And it is in illustration of *this* position that the report cites the restoration of "the French ships "wrongfully taken, after the Spanish war, and before the "French war." These ought properly to have been restored before the war broke out; they were only within the power of England because she had failed to give them up before; they came wrongfully into her possession, and she therefore could not lawfully, and did not include them in her seizure of enemies' property found within her jurisdiction at the commencement of the war. Mr. Wheaton misconceives the principle of this precedent, when he brings it to bear upon the general question of seizing enemy's property.

But having cleared away this case of 1753, we have still

* The money was borrowed by the emperor Charles VI., and secured upon Silesia, while that province was in his possession. The king of Prussia acquired it with all its incumbrances.

to consider, whether the practice of a century and a half before the French revolution is against the seizure. Of this averment our author gives no proof. He quotes Vattel, who, laying it down as a general rule, that "the property of the "enemy *is* liable to seizure and confiscation, qualifies it by "the exception only of *real* property." Debts, he says, and things in action, are equally liable to seizure; but in this particular, he says, "the advantage and safety of commerce have "induced all the sovereigns of Europe to relax from this ri-"gour; and as this custom has been generally received, he "who should act contrary to it would injure the public faith, "since foreigners have confided in his subjects only in the "firm persuasion that the general usage would be observed."

On this part of his work Mr. Wheaton is not quite so precise as in the rest. We should have presumed that he, too, intended to mark the distinction between debts and other property; but that in the following section he accuses England of a want of liberality in her modern practice, and extracts with approbation a sentence from an English lawyer, Mr. Chitty, unfairly criticising the doctrine of Sir William Scott, which he had recently cited with apparent approbation, and which is, almost in words, similar to a passage which he quotes from Vattel*, as to the retro-active operation of a declaration of war. Mr. Wheaton is well aware that the *first* seizure is, in the case supposed, justified by the conduct of the enemy, although confiscation is suspended while the hope of peace remains.

Upon the principle of this question we have no doubt whatever. Enemy's property, found within the territory of the offended party, may lawfully, by which we always mean morally, be seized and confiscated.

No aggression will justify war, which will not justify this mode of waging it.

Nor can we make a distinction between the ships of the state, and the ships and property of individuals. The offence is committed by the whole nation; we can make no distinction between the people and those who represent them, any more than we can make it (as nobody pretends) between those

* Wheaton, ii. 7, 9.

who were actually parties to the wrong, and those who endeavoured to prevent it; though this last, we admit, is one of the moral difficulties of war of which there is no more perfect solution, than a determination to avoid war as carefully as possible.

Our author cites from Vattel, without remark, the opinion that a sovereign may not lawfully detain the *persons* of his enemies who are within his dominion on the breaking-out of a war. The practice is very unusual: we are not aware of any instance among civilized nations, except that of Buonaparte in 1803; but we are disposed to place the seizure of persons upon the same footing as the seizure of ships or goods.

We now speak of rigid principle; but a nation may have put itself under circumstances in which the seizure would *not* be justifiable by the rule of right.

One of these, upon which there can be no doubt, is that of a previous stipulation, made in contemplation of a rupture, for protecting property or persons. In this case there can be no doubt; but we conceive, that if there has been, on the part of a nation, an uninterrupted practice of respecting such property or persons,—if the conduct of civilized nations in general has been similar, and such conduct is conformable to the opinion expressed by writers to whose authority the nation in question, as well by its conformity in this particular case, as by appealing to it in others, has borne habitual testimony,—we conceive that this nation is bound to abide by the rule thus sanctioned and adopted by itself.

And although for many, perhaps for most purposes, no distinction can be made between a state and the individuals* composing it, yet, in this case, we do think that it is to the individual by whom the property has been brought into the country, that the public faith is pledged, and that wrong is done when the property is seized.

In reference to these seizures our author quotes the Ame-

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* Pinheiro (Mart. ii. 371) holds it unlawful to seize private correspondence, but lawful to seize that of the government. He is right, unless it be thought that the seizure of the letters is such an *annoyance* as may induce a termination of the war. We entirely differ from this writer in his opinion that wars are between governments only.

rican Chief Justice Marshall. "The rule, like other precepts "of morality, of humanity, and even of wisdom, is addressed "to the judgement of the sovereign; it is a guide which he "follows or abandons at his will; and although it cannot be "disregarded by him without obloquy, yet it may be disre-"garded. It is not an immutable rule of law, but depends on "political considerations, which continually vary."—*Page* 18.

To us it appears that this passage, which Mr. Wheaton highly commends, does not place the rule in its right position. If it may be *justifiably* disregarded, it ought to be disregarded without obloquy; but the justifiable reasons are put too low, when they are placed generally in political considerations. This term is hardly applicable to a case which we can imagine, in which a disregard of the rule would materially affect the state of our quarrel, and even prevent hostilities. But still, sovereigns should always bear in mind the possible effect which a deviation from a rule may have upon other cases, in which there may be a less complete justification.

We have dwelt the longer upon this part of Wheaton's book, because it is the only part in which the author has shown unfairness towards Great Britain. After mentioning the article in the treaty of 1794, by which England and the United States agreed not to confiscate either private debts or monies in the public funds (an article which we believe has not been renewed) he says,—"On the commencement of hos-"tilities between France and Great Britain in 1793, the "former power sequestrated the debts and other property be-"longing to the subjects of her enemy, which decree was re-"taliated by *a countervailing measure on the part of the British* "*government.*" And he thinks that there was a want of "even-handed justice in compelling France in 1814 to make "good the losses sustained through her decree, while it does "not appear that French property, *seized in the ports of Great* "*Britain and at sea, in anticipation of hostilities,* and subse-"quently condemned as droits of admiralty, was restored to "the original owners under this treaty, on the return of peace "between the two countries."

From the first extract it would seem, that when France, departing from that which our author has himself established as the usage of nations, and the opinion of Vattel, confiscated

private and public debts, England by way of retaliation adopted the same measure, or at least some other measure equally contrary to usage; and from the second extract it would appear that this retaliatory and unusual measure was the seizure of ships, in port and at sea, at the commencement of the war. Now *this* proceeding, it appears clearly from Mr. Wheaton's book, was conformable both to usage and the opinion of the text writers.

But he mentions these captures as made *in anticipation of hostilities.* It is very unwillingly that we suspect Mr. Wheaton of a misstatement, but we are bound to say, that no recollection or examination of books or documents, including the complaints of M. Chauvelin and the French enumeration of grievances*, teaches us to believe that any seizure of French goods or ships occurred previously to the declaration of war by the French convention, which was made on the 1st of February 1793. If we are correct in assuming that no such captures occurred, it is unnecessary to inquire whether, by their embargo, or any other hostile act directed against England or her allies, France had justified us in measures of precaution, retaliation, or war. It is enough that there were no such captures before war was declared.

Another alleged case of unequal justice concerns not the English government, but the court of king's bench. In 1807 Danish property was seized in British ports, and the Danish government, by way of retaliation, sequestered "all debts due from Danish to British subjects." Here again, the English measure was usual; the retaliation went beyond it, and beyond usage. This ground was taken in a question of private debt which arose in our courts†. Mr. Wheaton thinks erroneously. There certainly was much less difference than in the French case between the English and the foreign measure; but we will give no opinion upon this, as a question in Westminster-hall.

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* Ann. Reg. 1793. p. 114, 139.

† Wolff and Oxholme, in Maule and Selwyn, vi. 92. Lord Ellenborough, in an elaborate judgement, held that the right of confiscating debts, contended for on the authority of quotations from Vattel, was not recognized by Grotius, and was impugned by Puffendorff and others; it was not general at any period of time, and no instance of it, except the ordinance in question, was to be found for more than a century.

The illegality of commercial intercourse with an enemy, on the part of the subjects of the belligerent or of his ally, is laid down correctly by our author, from Sir William Scott and the courts of his own country*.

Doubts have arisen whether persons domiciled in the enemy's country are liable to reprisals in common with the natives; and many questions have been raised as to the circumstances which constitute a domicile, and their effect upon the station of an individual, in reference to various matters arising out of a state of war. On all these Wheaton adopts, almost implicitly, the decisions of the English court of admiralty, and informs us that those of the American courts have proceeded upon the same principles.

On one point only it is observed that our decisions exhibit "strong marks of the partiality to the interests of captors, "which is perhaps inseparable from a prize-code framed by "judicial legislature in a belligerent country, and adapted to "encourage its naval exertions."—*Page* 71.

The observation arises thus. The English courts condemn, as enemy's property, goods belonging to a merchant residing in an enemy's country, but having a share in a house of trade in a neutral country; and they also condemn the goods of a merchant residing in a neutral country, and having a share in a house in the enemy's country. Reciprocity, Mr. Wheaton thinks, requires that if residence in the enemy's country condemns the share in the neutral country, residence in the neutral country ought to protect the share in the enemy's country. This is at least plausible; but without seeing a judgement upon the point we cannot pronounce upon it.

The "*Rights of War as between Enemies*" form an important chapter (ch. 4).

Wheaton notices the opinion of *Bynkershoek*† and other

* Pinheiro has rather singular opinions upon this subject. He considers war as entirely an affair of the two governments, and would, upon political as well as economical principles, allow of a direct commercial intercourse between two belligerent nations.—Martens, ii. 378.

† "Bellum est eorum, qui suæ potestatis sunt, juris sui persequendi ergo, contestatio per vim vel dolum.....Dixi, *per vim*; non per vim justam, omnis enim vis in bello justa est, si me audias, et ideo justa cum liceat hostem opprimere, etiam *inermem*, cum liceat *veneno*, cum liceat *percussore immisso*, et *igne factitio quem tu habes et ille forte non habet*, denique cum liceat, ut uno verbo dicam, *quomodocunque* libuerit.....Si rationem, juris gentium magistrum, sequamur in hostes, qua hostes, omnia licet. Bellum alicui facimus, quia putamus eum, per

writers, contrary to that of all modern publicists*, "that every "thing done against an enemy is lawful, that he may be de-"stroyed though unarmed and defenceless, that fraud, and "even poison may be employed against him, and that an un-"limited right is acquired by the victor to his person and "property."

Assuming as we do, with Bynkershoek, that no war is lawful which is not in its nature defensive, we cannot recognize the exception of *poison*, or the unlawfulness of attacking a man *unarmed*,—or any restrictions which proceed upon a principle of *chivalry*. The absolute prohibition of *fraud* is an ethical question, upon which we shall only say, that if it may under any circumstances be used, it may be used in war.

But besides that prudence dictates an adherence to some rules of moderation, in order that others may apply the same to us; we are to be restrained in the conduct of a war, as in the resolution to make war, by those principles of morality which form part of our religion; and these justify the doctrine which Wheaton inculcates,—that no force can lawfully be used but such as is "*necessary for obtaining the just ends of the war.*" There *may be* occasions on which the killing of prisoners and other severe measures, not generally justifiable, would become lawful.

But a great difficulty remains. *What are the just ends of war?* It is admitted that the acquisition of territory is not a justifying cause of war. May we then continue the war, for the purpose of conquest, after its original object has been obtained? Let the case be that the enemy forcibly took an island belonging to us, or oppressed a friend. The island is recovered, or ready to be given up, and the oppression has ceased. But may we not, if victorious, punish our enemy, by obliging him to cede a part of his own territory? If he is very powerful, and habitually uses his power to oppress, may

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injuriam nobis illatam, sui suorumque perniciem meruisse; isque armorum nostrorum finis est, quem, qua forma adsequaris, quid refert? Ne judicem injustum dicas, qui ad mortem damnatum, licet vinctum et inermem, a carnifice gladiato jubet necari; nam si damnatum solvas armesque, jam erit fortitudinis fortunæque periculum, non injuriæ factæ punitio.....Hostis tuus apud te damnati loco est, et ita tu quoque apud hostem tuum; sed apud tertium, utriusque amicum, par utriusque causa est, et ambo estis justi."—Quæst. jur. pub. l. i. c. 1.

* And of Grotius, b. iii. c. 4. See Vattel, b. iii. c. 8., and Rutherfurd, b. ii. c. 9. sect. 15.

we not use our victory to reduce that power? or to obtain some additional security for ourself or our friend? And may we not, therefore, inflict upon our enemy—that is, upon all the inhabitants of the nation at war with us—all such evils as are likely to bring him to make these concessions?

We can give no more definite answer to these questions than this: A statesman may lawfully take all these matters into consideration; and it is not possible to lay down a rule for directing him how far to carry them; but he lies under a strict moral responsibility not to carry them beyond the point at which he is in his conscience convinced they are required for the future preservation of peace and justice; he must not be carried by them into projects of ambition and aggrandizement which would have been unlawful at the commencement of the war; and he must never cease to regard tranquillity as his ultimate object. In endeavouring to obtain just objects by means of extraordinary harshness, he must always balance the evil to be avoided, with that which is perpetrated in adopting such measures.

We are inclined to believe that these principles will, at least in regard to the *conduct* of war, bring a prudent and conscientious statesman pretty nearly to the same conclusions as those which are prescribed by the *Laws of War*, as practised in civilized Europe and America. Yet the foundation ought never to be forgotten.

According to Mr. Wheaton, (p. 81,)

"By the modern usage of nations, which has now acquired the force of law, temples of religion, public edifices devoted to civil purposes only, monuments of art, and repositories of science, are exempted from the general operations of war. Private property in land is also exempt from confiscation, with the exception of such as may become booty in special cases, when taken from enemies in the field or in besieged towns, and of military contributions levied upon the inhabitants of the hostile territory. .....The property belonging to the government of the vanquished nation passes to the victorious state, which also takes the place of the former sovereign in respect to the eminent domain. In other respects private rights are unaffected by conquest."

This rule, like all others, is qualified by the two principles of *necessity and retaliation.* A belligerent, we are told, may "resort to measures not warranted by the ordinary purposes of war," when such are necessary to his military operations;

and "when the established usages of war are violated by an "enemy, and there are no other means of restraining his ex-"cesses, retaliation may be justly resorted to by the suffering "nation."

Our author observes, that while civilization has "softened the extreme severity of the operations of war by land," that severity "still remains unrelaxed in respect of maritime warfare." Wheaton does not distinctly aver that this difference is unreasonable; on the contrary, he assigns reasons for it where it is not more apparent than real. For, first, private property *is* confiscated, as *booty*, when captured in cities taken by storm; secondly, *contributions* are levied upon territories occupied by a hostile army, in lieu of a general confiscation. But thirdly, the object is to acquire territory which may be reclaimed or hereafter exchanged, and it is therefore not the interest of the victor to ruin the country; whereas "the ob-"ject of maritime war is the destruction of the enemy's com-"merce and navigation, the sources and sinews of his naval "power."

Surely this last is sufficient; next to the destruction of his armed navy, we are interested in the destruction of our enemy's merchant vessels, and the capture of their cargoes; whereby the difficulty and danger of sending them to sea, and the expense of loading and navigating them, are greatly augmented. We thus weaken him in that arm in which he is most formidable.

And it should have been added, that a conqueror by land looks to the country which he occupies for the support of his army; and a general confiscation, or too severe exactions, might not only exasperate the inhabitants against him very inconveniently, but deprive them of the means of complying with his requisitions. If we duly weigh all these considerations, and bear in mind also all the cases in which *exceptions* have been made—we do not say unjustifiably—to the mitigated rule of land warfare, we shall probably find no reason to charge maritime captors with undue or unequal severity.

Wheaton notices, (p. 85,) another difference between land and sea wars. It is unquestionable, that by the usage of civilized nations, individuals of a belligerent state attacking the enemy, without being part of his troops commissioned or le-

vied by the sovereign, are not treated as soldiers, and entitled to the mild usages of modern war, which authorizes only the *detention* of a prisoner. Unauthorized combatants, on the contrary, are treated as robbers and murderers. But any vessel of a belligerent state may attack at sea the vessels of an enemy*, though his captures, if he be not duly empowered by his sovereign, do not belong to himself, but to his government. If he be so empowered by what is called *a letter of marque*, he is in all respects (except those of rank and command) on the same footing with a commissioned naval officer.

Our author says, "that it is much to be *feared*, that so long "as maritime captures of private property are tolerated, this "particular mode of injuring the enemy's commerce will con-"tinue to be practised, especially *where it affords the means of* "*countervailing the superiority of the public marine of an* "*enemy*." Is it not enough that it makes an effective addition to the means of annoying the enemy which are afforded by the national marine?

Unquestionably, however, this system of *privateering* is liable to abuse, and if an equal force could be brought against an enemy, consisting of vessels belonging to the sovereign, it would be desirable to abolish it. The United States, shortly after the confirmation of their independence, persuaded the king of Prussia to insert in a treaty of commerce, a stipulation which Wheaton describes as forbidding the grant by one party at war, of "commissions to privateers to depredate upon the commerce of the other."—*Page* 87. The stipulation was in truth more extensive. It allowed of the free intercourse between the two belligerent nations by trading vessels†. But even this stipulation, so little likely to be called into action, was not renewed when the parties revised their treaty.

We shall not follow our author into those branches of ma-

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* I do not quite reconcile this with what was formerly said about piracy; or with Martens on Privateers, p. 36. Yet Browne (ii. 526), as quoted by Wheaton, contemplates such captures as not criminal.

† Treaty of 1785, Art. 23. "All trading vessels employed in the exchange of the productions of different places, and consequently destined to facilitate and diffuse the necessaries, comforts and luxuries of life, shall pass freely without being molested; and the two powers engage to give no instructions to their privateers (or cruisers?) which shall authorise them to capture such merchant vessels, or interrupt their commerce." On the other hand, it does not appear that privateers were *generally* prohibited.—Martens, Rec. iv. 47.;—See N. Amer. Rev. xxxiv. 22.

ritime law which concern titles and property. It is correctly stated, that a judicial sentence of a maritime court, which is plainly against right, entitles the nation of the injured foreigner "to obtain reparation by reprisals." In other words, the sentence of a court in one country, however it may generally be respected by the courts of another, in questions of property arising among individuals, is still so much a national matter, that if injustice is done to one of another nation, decidedly against right, and especially if contrary to that which is done to natives, the foreign state has a right to regard it as the act of the government*.

We should hold, and indeed Mr. Wheaton appears to lean to the same opinion, that if a wrong is done to a foreigner through a judicial sentence, *clearly because he is a foreigner*, his nation may complain, whether it be the sentence of a municipal or of a maritime court. But the propriety of making the sovereign responsible is much clearer in the case of a maritime court, because the person injured has not *voluntarily* brought himself under its jurisdiction.

Asserting this responsibility, Mr. Wheaton does not decidedly object, as some writers prepossessed on the side of *Neutrals* have done, to the adjudication of prizes taken from neutrals, in the courts of the country of the belligerent captor. The proceeding is in fact only an inquiry by the sovereign whether his subjects have acted justifiably, according to the laws which he recognizes, including the Law of Nations. And there have been several instances in modern times, of governments referring to a mixed commission complaints of illegal capture, and acquiescing in the decision of such commission, notwithstanding that it disregarded the sentences of competent courts†: each of these instances may probably require more explanation than we can afford; but it appears clear to us, that whatever respect, in matters of private property, a court in one country may pay to the judgement of a court in

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* See Wheaton, 95.

† The first of them is in the 7th Article of our treaty with America in 1794 (Martens, vi. 353.) but one circumstance seriously affects the authority of this precedent. The commission consisted of *five* persons; two were chosen by each government; the fifth was to be English or American, as *lot* might determine, and the lot fell to the Americans. It is hardly necessary to add, that our objection would have been equally valid if the lot had fallen the other way.

another, no judicial process within one country can finally decide a question between two nations.

It is scarcely necessary to say, that agreeing as we do with Bynkershoek, rather than with Grotius and other writers, as to the almost unlimited lawfulness of means in war, we agree with him and with Wheaton in condemning *perfidy*. If we swear to our enemy, as to our neighbour, we must not disappoint him, even though it be to our own hindrance. Accordingly, all conventions of truce or armistice are to be rigidly adhered to according to their terms. Our author, (p. 117,) quotes from Vattel certain rules peculiarly applicable to such conventions. We do not know whether these are the rules usually adopted by our commanders; but this is unquestionably one of the cases in which a book habitually quoted by statesmen of different nations has acquired a sort of authority, and may be taken as furnishing the general rules, a departure from which requires a strong case of justification.

"Each party may do within his own territory, or within the limits prescribed by the armistice, whatever he could do in time of peace. He may levy and march troops, collect provisions and other munitions of war, receive reinforcements from his allies, or repair the fortifications of a place not actually besieged.

"Neither party can take advantage of the truce to execute, without peril to himself, what the continuance of hostilities might have disabled him from doing . . . . . In the case of an armistice between the commander of a fortified town and the army besieging it, neither party is at liberty to continue works constructed either for attack or defence, or to erect new fortifications for such purposes. Nor can the garrison avail itself of the time to introduce provisions or succours into the town through passages, or in any other manner which the besieging army would have been competent to obstruct and prevent, had hostilities not been interrupted by the armistice.

"All things are to remain in their antecedent state in the places, the possession of which was specially contested at the time of the conclusion of the armistice."

Mr. Wheaton cites and compares the two cases of Closter-seven and El Arisch, with remarks which imply, that in both cases the breach of the convention was defended upon the principle, that they were "of a nature to require a *ratification*, "as exceeding the ordinary powers of military commanders "in respect to mere military capitulations." We own ourselves incompetent to go fully at this moment into the Closter-seven case; but we see nothing in the papers to which we

are referred, to support this notion in regard to the convention of 1757; and we are sure that Mr. Wheaton entirely misrepresents that of El Arisch; and that his expression, "Good faith *may* have characterized the conduct of the British government," conveys a very unfair insinuation.

"The convention was signed at El Arisch on Jan. 24, 1800. Lord Keith's letter, announcing that the British government would consent to no capitulation," [by which the French troops should be allowed to come to Europe] "was dated Minorca, Jan. 8, 1800, or sixteen days *before* the signature of the treaty. This letter was founded on instructions sent out by the British cabinet to Lord Keith, dated Dec. 17, 1799, in consequence of the intercepted letters from Kleber. . . . . Kleber no sooner received Lord Keith's letter than *he* resumed hostilities and fought the battle of Heliopolis. . . . 'No sooner, however,' said Mr. Pitt*, 'was it known in England that the French general had the faith of a British officer pledged to him, and was disposed to act upon it, than instructions were sent out to have the convention executed, though the officer in question (Sir Sidney Smith) had in fact no authority to sign it.'†"

We cannot deem General Kleber justified in putting an end to the convention before he knew whether Lord Keith's previous notification would be acted upon, after it had been ascertained that a capitulation had been signed by a British officer professing to have authority; and we cannot approve of the attempt to justify him by *setting off* the Duke of Cumberland, who, indeed, resigned his command immediately after the signature of the convention, and had no concern in the resumption of arms by the Hanoverians.

After an explanation, which calls for no remark, of the nature of licences, safe-conducts and other partial relaxations of warlike prohibitions, Mr. Wheaton treats (ch. 3) of the "*Rights of war as to* NEUTRALS:" and it is with great pleasure that we recognize here the return of the spirit of candour and fairness, which, under the influence of continental misrepresentations, had seemed to have departed.

"The rights of neutrality bring with them corresponding duties. Among those duties is that of *impartiality* between the contending parties. The neutral is the common friend of both parties, and consequently is not at liberty to favour one party to the detriment of the other."

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* Parl. Hist. xxxv. 590.

† We have extracted this short account from Alison's valuable history of Europe (iv. 547); it is borne out by the papers.

So far we agree with our author, but he proceeds;—

"There is, however, one very important exception, arising out of *antecedent* engagements, by which the neutral may be bound to one of the parties to the war. Thus, the neutral may be bound, by treaty previous to the war, to furnish one of the belligerent parties with a limited succour in money, troops, ships, or munitions of war; or to open his ports to the armed vessels of his ally with their prizes. The fulfilment of such an engagement does not necessarily forfeit his neutral character, nor render him the enemy of the other belligerent nation, because it does not render him the general associate of its enemy. How far," (it is added,) "a neutrality thus limited may be tolerated by the opposite belligerent, must depend more upon considerations of policy than of strict right."

We have already given our opinion* that a belligerent *has* a strict right to treat a neutral thus acting as his enemy. It can hardly be argued seriously that one nation has a right to assist another with troops, to any extent, provided only that she promised so to do, and that there is *a* limit to the number of the troops employed.

A similar observation is applicable to "another case of qualified neutrality," mentioned by Wheaton, where a previous treaty gives to one of the belligerents the privilege of sending privateers with their prizes into the neutral port, to the exclusion of those of the other.

The case is somewhat different where a neutral allows to one belligerent, not in virtue of a previous treaty, a passage for his armies through the neutral territory. "It being granted," says our author, "is no ground of complaint on the part of "the other belligerent power, provided the same privilege is "granted to him, unless there be sufficient reasons for with-"holding it." We do not understand this proviso, but we cannot agree with our author, that this permission is innocent if given to both parties. To one it may give a great advantage; the other may not want it at all. It may fairly be put upon the footing of assistance rendered; and as we shall presently show (quoting Vattel,) assistance is not to be given to *both*, but to neither.

The definition of neutral impartiality is taken by our author from Vattel, who states that

"the impartiality which a neutral nation ought to observe between two

* See p. 173, *ante*.

belligerent parties consists of two points;—to 'give no assistance *where there is no previous stipulation to give it*; nor voluntarily to furnish troops, arms, or ammunition, or anything of direct use in war.' I do not say to give assistance equally, but to give no assistance, for it would be absurd that a state should assist at the same time two enemies. And besides, it would be impossible to do it with equality: the same things, the like number of troops, the like quantity of arms, of munitions, &c., furnished under different circumstances are no longer equivalent succours. In whatever does not relate to war, the neutral must not refuse to one of the parties, merely because he is at war with the other, what he grants to that other*."

At the commencement of the war in 1793, an attempt was made to violate the neutrality of the United States, by arming and equipping vessels and enlisting men within their ports, by the respective belligerents, to cruise against each other†.

The Americans very justly refused their permission, and passed an act in 1794, which was revised and re-enacted in 1818, by which

"it is declared to be a misdemeanour for any person within the jurisdiction of the United States to augment the force of any armed vessel belonging to one foreign power with whom they are at peace; or to prepare any military expedition against the territories of any foreign nation with whom they are at peace; or to hire or enlist troops or seamen for foreign naval or military service; or to be concerned in fitting out any vessel to cruise or commit hostilities in foreign service against a nation at peace with them; and the vessel in this latter case is made subject to forfeiture. The president is also authorized to employ force to compel any foreign vessel to depart, which by the law of nations, or treaties, ought not to remain within the United States, and *to employ generally the public force in enforcing the duties of neutrality prescribed by the law*."

This act, originally passed under the auspices of Washington, thus recognized not only the obligations of neutrality, but the duty of the government to enforce them. Our foreign enlistment act of 1819‡ fell short in this respect of its American model, although it gave, on the other hand, a power to the crown to dispense with its provisions in any particular

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* Vattel, b. 3. c. 7. sect. 104.

† Wheaton, ii. 150. We know of no correspondence between England and America on this subject, but the fact is stated in the correspondence between M. Genet and Mr. Jefferson in June 1793; in which correspondence will be found, on the part of the American Secretary of State, acting under Washington, a most accurate explanation of the duties of neutrality.—Debrett's State Papers, vol. i.

‡ 59 Geo. III. c. 69.

case*. The propriety of giving this power is a question of internal, not of international, law: but that the grant of such permission in favour of one belligerent, places the power which grants it in a state of hostility with the other belligerent, or at least authorizes that belligerent so to deem it, appears to us to be beyond all doubt. And this opinion, we presume, Mr. Wheaton entertains, though he has no occasion to state it; for assuredly, if it is the duty of a neutral to withhold assistance, a neglect of that duty is a breach of neutrality, and consequently an act of hostility. To us it appears, and so it did we apprehend to the president Washington, that a neutral government is bound, not only not specially to permit, but carefully, and by all means to prevent, or detect and punish, such breaches of neutrality by its subjects.

We now come to some of the leading questions which have been, within the last sixty years, agitated between neutrals and belligerents. After a very slight attempt to uphold a different rule upon "the abstract principle of natural law," our author states it to be "undeniable, that the constant usage "and practice of belligerent nations, from the earliest times, "have subjected enemies' goods in neutral vessels to capture "and condemnation as prize of war:" in other words, "free ships do *not* make free goods."

Some nations, France (1681) and Spain for instance,—England, we believe, never,—have, in some wars, even confiscated the neutral vessel on board of which enemies' goods are found; that is, goods, the *property* of an enemy. This practice was arbitrary, and rested upon no sound principle. To say to a neutral,—you shall not trade with our enemy, you shall not assist in enabling him to enrich himself, or to maintain the navy which he uses against us, is at least intelligible, though contrary to usage; but this would lead to the prohibition of carrying not merely the property of an enemy, but his *produce*, and the goods which he had sold.

The French formerly extended, in another instance, the anti-neutral code: an ordinance of Louis XIV., reviving more ancient edicts, confiscated not only the goods of an enemy on

* We do not certainly know whether there was any similar provision in the American Act, but we believe not.

board the ship of a friend, but the goods of a friend on board the ship of an enemy. This rule has been maintained upon this ground, that "those who lade their goods on board an "enemy's vessel thereby favour the commerce of the enemy, "and by this act are considered, in law, as submitting them-"selves to abide the fate of the vessel." In that view, although this rule has not been adopted into the maritime code of England, and is not sustained by Bynkershoek*, it does not appear altogether unreasonable. It might also be justified upon the general principle of annoying the enemy in his trade and navigation; but, so considered, it cannot stand without those other extraordinary restrictions upon the enemy's trade which we have just noticed.

It has sometimes been held, that where the rule, *free ships, free goods,* has been established by agreement between two states, the corresponding rule, *enemy's ships, enemy's goods,* is naturally admitted; and so it has been in certain treaties. But Wheaton contends, and the American courts have held, that the two rules are not necessarily connected; the one is a concession by the belligerent to the neutral, the other is a concession by the neutral to the belligerent; but this takes from him a privilege which he possessed under the law of nations, and it is not to be *presumed* that he has made it.

There has been a great preponderance of modern treaties in favour of the maxim, *free ships, free goods,* sometimes, but not always connected with the other. In order to account for this preponderance, it must be borne in mind, that many of these treaties, perhaps most of them, especially those in which England has had a part, were made for some temporary purpose, or with powers of whose neutrality there was small probability †.

The united provinces of Holland, though occasionally parties to violent measures against neutrals ‡, have generally been desirous of establishing this rule, and they stipulated for it with France in 1662, and with England in 1674.

The treaties with Holland, in which this stipulation was found, were also treaties of defensive alliance; and when, in

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* Lib. i. c. 13.
† See Croke's Answer to Schlegel, 1801, p. 44.
‡ As in 1689.

our war with France of 1756, the Dutch refused to assist us*, our government asserted† a right to disregard that stipulation to which Charles II. had agreed as the price of the alliance, and this happened again in 1780. It has often been stipulated between England and France, from Utrecht in 1713 to Mr. Pitt's treaty of 1786, but is not in force now.

When the empress of Russia, in 1780, established, by concert with Denmark and Sweden, and ultimately the United Provinces and other powers, what is called the armed neutrality, this rule of *free ships, free goods,* was a prominent part of the system. We believe that there is not one of the parties to this confederacy who has not, at some subsequent occasion, set its principles at nought; and eminently Russia, who, in 1793, "made common cause with Great Britain and "with Prussia to induce Denmark and Sweden to renounce all "intercourse with France, and especially to prevent their car-"rying goods to that country." France too revived the severity of her ancient prize code; but in 1801, and again in 1807, Russia and the northern powers revived the confederacy, notwithstanding that, between the two periods last mentioned, its principal article had been abandoned by stipulation with Great Britain‡.

Throughout the whole of this period the United States of America, though repeatedly at variance with the belligerent powers on questions connected with their neutrality, adhered to the original decision of Washington§, that except where there was a special treaty to that effect, *free ships* did *not,* according to the law of nations, make *free goods*; and that government rejected the demand of France, that because it had a special treaty with that country contrary to that general rule, it should therefore resist the other belligerent in acting upon the rule. The United States, however, made the stipulation where they could; and in 1785‖ they had stipulated it with Prussia. But in 1799, when the treaty came to be renewed, it was found advisable to stipulate, that unless a new and general code should be adopted, the belligerent

* See p. 174, *ante.* † Lord Liverpool's discourse.
‡ Convention of 17th June, 1801; Martens, Sup. ii. 476.
§ Mr. Jefferson to M. Genet, July 24, 1793.
‖ Wheaton, p. 182; Martens, Rec. iv. 37; Droit, ii. 129.

should conduct himself towards the neutral "as favourably as "the war then existing might permit, observing the principles "and rules of the law of nations generally acknowledged*."

It appears from our author (p. 183), that in some more recent treaties his countrymen have adopted a new principle: they have stipulated with Spain† and with Columbia‡, that the rule of *free ships, free goods* (which they now assume to be the only rule consistent with natural right), should not take effect when one of the parties is at war and the other neutral, unless the other belligerent gives the neutral the benefit of the same rule.

Our author gives a fair abridgement of the controversies, too minute to be detailed here, respecting *contraband of war*, under which certain articles, although the property of neutrals, are not permitted by one belligerent to be imported into the country of another. It appears to us, that the enumeration of the different opinions which have prevailed, as to the articles which may be prohibited as being useful to the belligerent in his warlike operations, shows clearly that there is no principle upon which any one of the technical rules, which have been devised, can reasonably be adopted to the exclusion of the others. Some say,—indeed, this is generally admitted,—that military stores, that is, arms and ammunition, everything belonging to the equipment of an army, may be prohibited; but there is a great controversy about *naval* stores, because they are not *exclusively* used in war. Then there is another question, as to the materials from which arms and other things useful in war may be made; and lastly, belligerents have sometimes made *provisions* contraband when the want of them would tend greatly to distress the enemy. Particular treaties have run all the changes upon the articles of alleged contraband, and England does not now stand committed to any general principle of definition. We say *now*, because the convention of 1801, though made with Russia and the other powers who acceded to it, and professing to effect "an invariable determination of their principles of the "rights of neutrality, *in their application to their respective*

* Treaty of 11th July, 1779; Martens, Sup., ii. 226.
† Art. 12 of Treaty of 22nd February 1819; Martens, Sup., ix. 328.
‡ Art. 12 of Treaty of 3rd October 1824; Sup., x. 984.

"*monarchies*" alone, is fairly treated by our author, as it was by Lord Grenville* at the time, as an enuntiation of general principles, from which, so long as it endured, it would at least be difficult for England to depart; and it is certain, that in some particulars, especially as to contraband, this treaty fell short of what England had frequently asserted when belligerent.

The most remarkable of these cases are those of 1689 and 1793. In 1689 England and her Dutch allies concurred in prohibiting *all* commerce with France. In 1793 England and Russia concurred in preventing *corn, flour,* or *meal* from being carried to France†. This proceeding, doubtless unusual, was thus explained at the time:

"It is notorious, that at this moment the commerce of corn and other provisions between France and other nations, is no longer a private commerce in the former country, but, contrary to all former custom, it is now entirely in the hands either of the pretended executive council, or of the several municipalities. This commerce, therefore, can no longer be looked upon as a private trade carried on between peaceable and speculating subjects of the two or more nations, but as special means taken by the usurping government of France to forward their own measures in carrying on the war which they declared against us. It is not less manifest, that at this present moment one of the most effectual means by which those who declared war against us might be forced to offer fair conditions of peace, would be that of preventing that pretended government to supply, by means of importation, the want of provisions in that country,—a want which they themselves have caused by their conduct,—which undoubtedly would open the eyes of the whole industrious class of the French people, and arm them against their oppressors. It has been acknowledged by all those who have written upon the law and the public rights of nations, as a principle, that it is as equitable to prevent the importation of provisions into an enemy's country, in order by that means to subdue it, as in the case when the want of the necessary articles has been caused to the enemy by the means he may have taken to annoy his opponent. And no person can deny that this case, which is quite singular in its kind, must not be judged according to regulations and principles which have only been established with a view to such wars, the customs of which, at that time, had been well understood and learnt amongst the sovereigns of Europe‡."

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* Parl. Hist. xxxvi. 200. It must be observed, that an elaborate ministerial defence of the convention, in a tract ascribed to Dr. Ireland, laid great stress upon the fact, that the stipulations were confined to Russia.

† Nov. 6, 1793: Ann. Reg., p. 353.

‡ Note from Mr. Hailes to Count Bernstorff, Danish Minister. Ann. Reg., 1793, p. 353.

This order was revoked, and afterwards renewed in 1795, with this modification, that the corn seized was to be sold on account of the owners: this modification was conformable to the article of the commercial treaty which had been made between England and the United States in 1794, which recognised the possibility of cases arising in which provisions and other articles, not generally contraband, might be regarded as such, and provided for the indemnification of the owners of articles seized in such cases.

This order came before the mixed commission appointed under the treaty; but as it is only from Mr. Wheaton's abstract that we have any knowledge of the proceedings of that commission, we cannot satisfactorily investigate them. It seems that the seizure was justified, not only as tending to reduce France to terms, but as necessary to supply England, where a scarcity was apprehended. The commissioners, as would be expected, decreed an indemnification of the owners as for a wrongful seizure. We will not dwell upon the necessities of England (which are new to us as a ground of the order); but we can by no means admit that either this, or the order of 1793, was unjustifiable *in principle*. Indeed, upon this point the framers of Mr. Jay's treaty (as that of 1794 is styled) appear to agree with us.

The truth is, that in this question of contraband, as in others of belligerent right, the true principle upon which war is justified, has been lost sight of among legal technicalities. We have admitted, that some of these technical rules are very convenient, and that generally speaking, as a matter of prudence, no one party would gain by a breach of them; but, always bearing in mind Bynkershoek's principle, that our enemy stands toward us in the light of an oppressor whom it is lawful to resist, and an offender whom it is lawful to punish even with death; and holding, therefore, that against him all measures of violence and annoyance are lawful; we hold that a third party has no just cause of complaint against us, although he may suffer some inconvenience from the restraints which we put upon our enemy. If the only man in a district who manufactures or supplies a particular article of general utility, is imprisoned for a crime, or mulcted in a penalty which puts a stop to his trade, the whole neighbourhood will suffer, but the magistrate is not to be blamed.

Upon this ground we maintain, that if by prohibiting the importation of corn into France we had a fair reason to expect that we should materially affect the fortune of the war, we were fully justified in the prohibition.

Mr. Wheaton himself furnishes us with a case in which the American courts held that provisions might be contraband. They held that it was illegal for a neutral (a Swede) to carry provisions to the British army employed against France in the peninsula; because, though America had no concern in that war, she also was at war with England, and the supplying of the English troops *might* enable England to operate more effectually against the United States*.

This case is very valuable, as showing that all nations, even those most habitually neutral, assert such belligerent rights as they find convenient at the moment; but the principle for which we can contend cannot be better illustrated than by referring to the rules *universally admitted* concerning *blockade*†.

It is not denied by the most technical jurist, that a neutral is not permitted to carry *anything* to a place besieged or blockaded by a belligerent; all traffic, all intercourse is prohibited. Now it may so happen that the blockaded port may be, to the neutral, the most important port in the country; it may be that through which his whole commerce has been continually carried on with that country, in articles, the exchange of which has been the principal support of his trade and even of his people.—But he must bear the loss; the law of nations neither permits him to complain nor to claim indemnification.

The reason of this prohibition of intercourse is, that "the "belligerent might thereby be compelled to raise the siege or "blockade, not merely by the direct application of force, "but also by the want of provisions and other necessaries. "If, therefore, it should be lawful to carry to them what they "are in need of, the belligerent might thereby be compelled "to raise the siege or blockade, which would be doing him "an injury, and therefore unjust‡."

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* Wheaton, p. 219. There is no controversy on the rule, that neutral vessels transporting military persons or despatches, in the service of the enemy, are liable to confiscation.—Wheaton, p. 210. † Wheaton, p. 228.

‡ Wheaton, p. 229. Bynkershoek's words are: "Si quid eorum, quibus indigent, tibi adferre liceret, ego forte cogerer obsidionem solvere, et sic facto tuo mihi noceres, *quod iniquum est*." B. i. c. 11.

And so much does the law in this case give the preference to belligerent interests, that "because it cannot be known "what articles the besieged may want, the law forbids, in ge- "neral terms, carrying *anything* to them; otherwise disputes "and altercations would arise to which there would be no "end."

It would not be easy to find any reason for restraining this belligerent right to the case of a siege, except that the effect of the intercourse of neutrals, upon the interests of the belligerent, is more immediate and more definite; and the loss to the neutral less considerable. There are, unquestionably, considerations which may induce a belligerent to be forbearing in the imposition of the restraint upon the more extended scale, and the neutral to be less ready to acknowledge the justifying necessity; but we can recognise no difference in principle between the reduction of a town to surrender, or of a government to submission or compliance,—between the relief of starving townsmen and famishing peasants.

The details of the law of blockade, which are numerous, are generally adopted by our author from Sir William Scott, and he corrects Bynkershoek, who appears to confound blockade to a case of *siege*, whereas it is held lawful to blockade a port, for the purpose of preventing the enemy's ships from coming out or going in, without besieging the town.

It is remarkable that he takes no notice of the extension of the blockade by England in 1806 to all ports from the Elbe to Brest; of the celebrated decrees of Buonaparte, or of our retaliatory orders. We shall only say, that the measures of England require no resort to the principles which we have now enumerated; that the blockade of 1806 was an *effectual* blockade, and that our naval force made it "manifestly dangerous" to enter any of the ports blockaded; that Buonaparte's so-called blockade of the British Islands had not any one of the legal requisites of a blockade; that in her measures of 1807*, England did, professedly, go beyond the ordinary rules of the law, justifying herself upon the ground of retaliation, and the acquiescence of the neutrals in the illegal mea-

* Jan. 7, and Nov. 11 and 25,—the first under the government of Lord Grenville and Lord Grey, the others under that of the Duke of Portland and Mr. Perceval.

sures of France, which acquiescence constituted an injury towards England.

In the middle of the last century England set up a rule, which Wheaton controverts, which is known as *The rule of the War of* 1756. The French colonial trade had been a rigid monopoly; it was cut off, in their own hands, by the English naval force, and they then allowed the Dutch, by special licences, to carry it on for them. This England would not permit, and the vessels were condemned as having "identified themselves," (in Wheaton's words) "with the commerce and character of the enemy." Mr. Wheaton argues, that the rule, as it is now established by the decisions of Sir William Scott, does go farther than in its original introduction. It is now held that a neutral has no right to carry on a trade with the possessions of one belligerent, which trade was not open to him in time of peace. The reason is, that by carrying on this trade the neutral protects one belligerent against the effects of the naval superiority of the other. The difference, if any, is little more than technical; the principle being in both stages of the proceedings, that a neutral is not to do that for one belligerent which the other has disabled that belligerent from doing for himself*.

Although the changes which have taken place in colonial trade generally may render this rule of 1756 inapplicable to future wars, the *principle* is too just to be abandoned.

Our author states truly that the visitation and search of vessels at sea is essentially necessary while there is *any* case in which a ship or cargo may be seized. Forcible resistance, therefore, to search, by the neutral master, justifies the confiscation of the neutral property; nor does our author uphold the pretension of the *armed neutrality* to protect trading vessels from search by a convoy of men-of-war.

On the whole, the doctrines of our author are nearly such as England has asserted when belligerent, and is ready to admit as a neutral. For it cannot be too clearly explained, that what have sometimes been rather inaccurately styled the *maritime rights* of England, are nothing but the rights which she ascribes to every belligerent state. Henceforward, we

* See Rob. ii. 200.

hope and believe she is rather more likely to be the neutral than the belligerent party.

The chapter upon neutrals concludes with another case, in which one of the members of the armed neutrality appears as the alleged oppressor of neutrals. Denmark in 1810 issued an edict, which it enforced upon American vessels, for condemning neutral vessels which might sail under the convoy of an enemy of Denmark. The result of a negotiation conducted by Mr. Wheaton himself was, that Denmark paid a sum of money for compensating the neutral owners, without prejudice however to the argument on either side.

Mr. Wheaton's concluding chapter, entitled "Treaty of Peace," has been partly anticipated*. He raises a question, whether "a government is bound to indemnify those who may suffer a loss of property by the cession of territory" by a treaty?

His opinion is for the negative; but he does not clearly explain the sort of loss which he contemplates. A mere transfer of territory does not necessarily imply a loss of property. We are not prepared to lay it down as an imperative rule,—that a government, or, as it would be more correctly expressed, that part of a nation which is *not* affected by a cession, should fully compensate the proprietors or inhabitants of territory ceded, for any loss which they may sustain by the depreciation of their property, should such depreciation appear to be the necessary consequence. Indeed we do not see how it is possible to estimate a pecuniary loss of this kind; and it is absolutely impossible to set a value upon the sometimes less tolerable losses, of another kind, which attend a severance from one's native land.

But we go rather farther than our author, and do hold that for such loss as can be ascertained, the remainder of the ancient state is under an obligation, which has no limit short of the doctrine of self-preservation.

Wheaton refers to the cession of Burgundy by the treaty of Madrid, when the power of the king of France to dismember the kingdom was denied by the States General, and the Burgundians declared that they would not pass under a fo-

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* See p. 188, *ante*.

reign dominion. The question,—Whether the Burgundians were justified in this declaration, which it is impossible not to applaud, belongs not so much to this article, as to one which should treat of governments and constitutions. The case of cession might certainly puzzle the upholders of *original contract.*

It is correctly stated, that "the treaty of peace leaves everything in the state in which it found it, unless there be "some express stipulation to the contrary:" and that "the "title acquired in war to real property or immoveables, until "confirmed by a treaty of peace, confers a mere temporary "right of possession. The proprietary right cannot be transferred by the conqueror to a third party, so as to entitle him "to claim against the former owner on the restoration of the "territory to the original sovereign."

We believe that our author is justified in laying it down as a principle, that "a violation of a single article abrogates a whole treaty, if the injured party elects so to consider it."—According to our doctrine, he ought, in making this election, to consider fairly whether there was not some ambiguity in the treaty, whether the breach of it originates in a fraudulent or hostile spirit, and whether an acquiescence, for the sake of avoiding war, would be deeply and permanently injurious to his lawful interests,—among which he is unquestionably permitted to include his honour and reputation, the disparagement of which would lead to fresh injuries and necessitate wars.

Our author concludes his work, rather abruptly, with a reference to the cases in which disputes between two nations are settled by the mediation of friendly powers; and specifically to the London Conference which has enforced a suspension of hostilities between Holland and Belgium, and terms of separation between those two countries. While he sees great objections to interference of this sort, he makes a just distinction between it, and the assumed right of interfering to prevent changes in the municipal constitutions of countries.

Not intending to enter upon the politics of the day, we shall only say, that, enemies as we are to interference of all kinds, we admit that interference is in no case so justifiable, as where it is exercised by those who are strong enough to make it effectual in preventing hostile collisions.

Want of space obliges us to imitate our author in the abruptness of our conclusion. We fear that, by following him chapter by chapter, we have failed in the systematic arrangement which is desirable in a treatise—if we so venture to call it—such as that which we now present; but we trust that no reader will fail to recognize, throughout, our leading principle,—the necessity of recurring, in our foreign as well as our domestic relations, to our sense of right and wrong, and our obligations as responsible beings.

Article V.

La Chute d'un Ange; Episode. (The Fall of an Angel, an Episode.) Par M. Alphonse de Lamartine. Paris: 1838.

When, in our investigation of M. Victor Hugo's *Voix Intérieures* (No. XII.), we established the fact of the poet's gradual decline, and indicated the causes which, in our opinion, had necessarily produced it, we added, that an attentive study of all those poets who represent a peculiar tendency in the history of contemporary art would, perhaps, disclose in all of them, through every diversity of form, the existence of the same organic vice, and, in consequence, the necessity of all ending in the same result—impotence to attain the object which their efforts appear to pursue. We did not then believe that M. de Lamartine would so speedily have furnished us with a new proof of what we advanced. The *Harmonies*, the *Voyage en Orient* (Oriental Travels) and *Jocelyn*, discovered indeed the fatal tendency. We had felt a sort of terror, when we heard the poet of vague aspirings, of soft regrets, of the soul's fugitive thoughts, announce his purpose of giving us an *epopœia*, the Epopœia of Humanity, of which *Jocelyn* (some ten or twelve thousand lines) was but an episode; we knew that M. de Lamartine must break down in the trial. The poetic talent of the author of the *Méditations*, brilliant undoubtedly, but somewhat of the improvisatore character, fruitful, but in a confined sphere, did not appear to

us adequate to the vast proportions of the epic. His creeds, philosophic and religious, were not, in our opinion, sufficiently determinate or sufficiently complete for what he was undertaking; and we could not believe that it was reserved for him who had written,

> Our crime, that being men, we strive to know;
> To serve in ignorance is man's law below;—
> (*Méditations; à Lord Byron.*)

to teach us "the destiny of humanity, and the phases through "which the human mind must pass to attain to its ends by "the ways of God." (Preface to *Jocelyn.*) But we hoped that, drawn off by his political occupations, warned by a poet's instinct, by his friends, and by the voices of a few conscientious critics, M. de Lamartine would have paused betimes in the perilous career in which he had inconsiderately adventured. This has not been the case. Since *Jocelyn*, another episode, *La Chute d'un Ange*, has appeared to proclaim his persistence. A third episode, *Les Pécheurs*, is promised us. It is decidedly an *epopœia* that we are thus receiving in fragments, an *epopœia* gigantic in its dimensions as the *Mahabharata*; an *epopœia* which it will require perhaps a year to read through with due reflection, yet which is intended to constitute a part of our national education,—when we shall have a national education,—since it is, as the author somewhere tells us, "to supply an aliment that may "nourish the world and give it a century of rejuveniscence." The critic's part is thenceforth changed with respect to M. de Lamartine. Severity towards him is not only our right —glad at heart were we to resign it,—it has become our duty. The question is no longer whether his verses excite us or melt us to tears, but, what these tears teach us, whither that excitement leads. It is a work eminently moral and social in its aim that the poet undertakes, and from a social and moral point of view must it be judged. This ground, which indeed we conceive to be, at this time, the only one suited to the useful appreciation of contemporary productions, was not chosen by us; it was he himself who summoned us thither. Thus we have not to fear the imputation of intolerance, of a desire to tyrannize, in virtue of preconceived notions of our own, over the poet's liberty. To no one is the poet's liberty

more sacred than to ourselves, but we can no more confound liberty with anarchy, than toleration with indifference. In literature, as in politics, as in all things, liberty is not the right of doing whatever a man pleases that does not encroach on the right of others; it is the right of freely choosing the means by which to attain to the rational and virtuous goal which he has freely prescribed to himself. We do not fetter intellect, we do not subject it to arbitrary codes; but, when we deem it necessary, we say, "your means are not consonant with your end." When M. de Lamartine talks sadness to us, and, as though terrified at his solitude, prays us to moan with him, we reproach him not,—no, not even when his sadness appears to us to dispose those who partake in it to inaction. We pity him, and deplore the actual constitution of things that condemns privileged souls to sadness; but we sympathize with him, we listen with deep attention to his confidential revelations; the fifth of his *Harmonies* (*La Source dans le Bois*), although sad and depressing, we think admirable, as we do many of the *Méditations*. But when he assumes the position of the religious poet,—when he says to us, "I know the malady of mankind, it is my own, and I come to cure it,"—when he talks to us of faith, of knowledge of the destinies of humanity,—if, after listening to him, we feel our wounds festering, and consciousness of our own impotence stealing into our soul with his lays, and scepticism, with the icy wind from his wings, driving away hope;—we feel ourselves entitled to say to him, "You are mistaken; the secret of cure lies not there." Now this is precisely our position relatively to M. de Lamartine. He has professed himself a religious poet, and been generally accepted as such. His books are reprinted every New Year as keepsakes, as family presents; they are those which French mothers are best pleased to see in the hands of their young children. Is this well or ill? Does his poetry contain the aliment required by the epoch? To us the inquiry appears important.

In a literary point of view, one fact is henceforward established which deserves attention;—this is a decline, a decline decided and striking as that of M. Victor Hugo, which has been pretty generally felt and recorded by the French press, and which would have met with still less leniency, if, like

M. Victor Hugo, M. de Lamartine had preached a theory, founded a literary sect, and warred against criticism. There is a decline in M. de Lamartine's last poem in respect of the form and the poetic accessories, a decline in respect of the substance of that which constitutes the life and essence of poetry. The first is serious, but may with ease be subsequently repaired; the second is much more so, and what is worse, from it there is far less chance of the poet's recovering himself. Faults of style that must be owned striking, images spoiled or repeated even to monotony, incorrectness of language and rhythm carried to a pitch that it were difficult to believe; in a word, all the several imperfections upon which the French press has chiefly dwelt, are undoubtedly important blemishes, but such as a wise deliberation, a deeper conscientiousness brought to bear upon his work, might easily correct. A want of artistic conscientiousness and of respect for the public is evinced in the attempt to write an *epopœia* extempore; but a hope may be entertained that the severity of the judgments pronounced upon his composition may recall M. de Lamartine to himself; and we know that in order to be a pure and elegant writer, he need only resolve to be so. Can we say as much of those faults which affect the very essence of the poetry, and, as it were, establish the fact of a second manner in the author? Can we, when, in *The Angel's Fall*, we find the worship of the form substituted for the adoration of the idea, matter predominant over mind, and the colouring of the Venetian painters supplanting the spirituality of the school of Umbria, suppose all this a mere digression of the poet? Are we not rather,—recollecting Victor Hugo and so many other poets of the last thirty years, who, having like him begun their career with innovation, spiritualism and a religious tendency, have ended in a similar downfall,—led to suspect in M. de Lamartine's poetry, as in theirs, the existence of some radical vice, which must of necessity gradually develope itself, thus impoverishing and deteriorating faculties incontestably brilliant? And should this vice prove to be not of a poetic but of a philosophic nature, an inaccurate perception of the wants and of the vocation of the epoch, an imperfect conception of universal life, of the thought of God in the world, should we not have gained an additional step towards

certainty concerning the intimate connexion between poetry and philosophy? Should we not, in some sort, have won a compensation for the regret occasioned us by the fall of M. de Lamartine, in thus establishing the impossibility of the existence of high poetry, at this time of day, without a reflective comprehension of the progress of humanity, without the identification of the poet with the thought now fermenting in the breast of the masses, and impelling them to action? We know many persons who call these speculations Mysticism. Mysticism has to us no meaning: in respect of criticism, we know only the *true* and the *false*; but if by Mysticism be meant, very erroneously, inapplicable and useless abstraction, that is precisely what we most oppose when we seek to lead criticism to this ground. It is because we are weary of a criticism of commas and syllables—which produces nothing, which throws not a single new idea into circulation—that we seek another course, more akin to the principles that generate great social realities. We know that philosophic criticism, that is to say, that literary education preceded the unfolding of that flower of German poetry upon which we all, poets and critics alike, still live; and we do not see that the materialist criticism, with all its anatomy of details, to which such objectors would confine us, has hitherto contributed to produce the blossoming of much poetic genius around us.

La Chute d'un Ange has nothing in common with those compositions which the first verses of the sixth chapter of Genesis suggested to Byron and Moore; nor yet with that delicious little poem of Alfred de Vigny, *Eloa*, which we would fain see translated into English, could a translation preserve that chaste suavity of expression in which lies its principal charm. M de Lamartine's angel likewise falls through love; but that is the only point of contact. The idea of the poem is more comprehensive, more philosophic. The angel is here the personification of the human soul. The human soul, and the successive phases through which God has decreed that it must achieve its perfectible destinies—that is the subject of the grand *epopœia* of which the poem here noticed is but a part, the second, perhaps, of the twelve or fourteen that, as is reported, are to compose the work. This is, then, one of the first pages of the history of moral man, written

from the point of view of the Christian dogma of the Fall. He who relates the tale to the poet is an old man of the Maronite tribe, for which M de Lamartine in his oriental travels discovered so much sympathy, domiciliated on the summit of Lebanon,—a mysterious being, of whom no one can tell the age, and who

> "knows things right strange
> Of nascent time, man, angels, and their change."

The tale is divided into visions, which it would be too long to analyze minutely, but of which we shall give a rapid summary.

The time is antediluvian. It is night, a magnificent night; a tribe of shepherds has just withdrawn into the shade, and to the sound of human footsteps succeeds the concert that night offers to the Lord. The thousand voices of nature blend in divine harmony; the cedars of Lebanon chant a hymn of adoration. Angels poised here and there upon their wings, listen with devout attention; gradually they soar upwards and disappear, one alone remaining; it is Cedar, the enamoured angel. He is absorbed in the contemplation of a child of twelve years old, Doïdha, asleep under one of the cedars. Her beauty troubles him; a thought of human love murmurs through his being, and he says within himself, Why are the angels solitary? Suddenly steps are heard; seven giants appear: they are the slave purveyors of Balbek. Doïdha awakes to find herself their prisoner; they fling a net over her, as over a wild beast, and are preparing to carry her off. It is at this moment that the fall of the Angel is decided; an immense, an omnipotent desire transforms his whole being; he precipitates himself headlong to the defence of Doïdha; he is *man.* He slays the robbers: for one instant he is happy at the feet of this child, the object of his love, whom he has just saved; but even at the awful moment when the change of his nature was consummated, a cry had resounded in his soul—

> "Fall! fall! Creature eclipsed, for ever fall!
> Perish thy splendour! * * * *
> Till drop by drop thou have redeem'd with cost
> Thine immortality, for woman lost.

The doom is spoken, and its fulfilment is pursued throughout the poem.

The men of the tribe of Phayz, to which Doïdha belongs, now arrive. They question her deliverer: Cedar cannot answer; language has not been revealed to him. This nocturnal conflict, those stranger corses, this dumb unknown—a giant in strength, are to the suspicious tribe terrifying mysteries. A law condemns every stranger to death; but Cedar is so handsome, and has saved Doïdha—in his favour death is commuted for slavery. Delivered up to Phayz, he herds his cattle, and performs the most servile offices: but Doïdha is there, every day he beholds her; she it is who, amidst the recesses of the woods, brings him the food of slaves, and that moment repays his long day of degradation. Little by little these moments are prolonged; his passion is no longer solitary—Doïdha shares it. Then begins the education of love. She teaches him to speak: a whole world bursts upon him with language; his vague gleams of intelligence become thoughts, ideas, the instincts of the heart become sentiments. All this is beautiful, sometimes enchanting. Meanwhile their love is discovered; it is more than a crime in the eyes of the tribe. Persecution begins, but love triumphs. Separated by violence, they meet in secret, they marry, and Doïdha gives birth to twins; it is Cedar who conceals them, who watches over them; it is a gazelle that rears them with her milk. Long—too long perhaps for probability—does mystery protect their union, which accident at length betrays. Doïdha rescues her infants from the river into which they had been flung, but is herself immured in a tower, built of stones piled up on each other, there to die of hunger. Cedar, bound and corded, is thrown into the Orontes; he escapes nevertheless, and returning wild with rage, demolishes the tower, crushes the people of the tribe with its ruins, flies with the mother and the children, and plunges into solitude.

Here they live awhile; but one day, as the twins repose in a sort of cradle formed of the boughs of a tree, an eagle, swooping down, seizes and carries them to the summit of a rock. The parents climb the rock, and find, not the blood-stained eyry of a bird of prey, but a grotto, the abode of a sainted old man, to whom the eagle is a companion and messenger. This excellent person, born a slave of the Titans, had received from his mother a revelation of the true God, of Je-

hovah, and the *primitive book.* Compelled to fly whilst he was propagating its doctrines amongst his fellow-slaves, he continues to fulfil his mission from the peak of his rock; he inscribes the pages of the book upon brass plates, which the eagle carries afar off, and drops, as from the skies, upon the crowd. Doïdha and Cedar receive his instructions; they listen to fragments of the *primitive book*; their days elapse in blissful innocence; when suddenly an aerial bark, the description of which is tolerably anti-scientific, furrows the air and descends upon the rock. From this three giants alight, who kill the old man, carry off the young couple and their children, and convey them to Babel, to the feet of king Nemphed. The king orders Doïdha to be reserved for his royal pleasures, and with respect to Cedar, he orders

> "With caution due his body to prepare
> The mutilation of the Mutes to share."

We have reached the Tenth vision. Babel—its giants, who reign in virtue of *right divine*—its enslaved, brutalized multitude that reveres them as Gods—its orgies, infamous in sensuality, disgusting and stupid in ferocity, fill two visions, from which analysis recoils. In the Twelfth we find Lakini, the favourite of king Nemphed, in love with Cedar, and Asrafiel, one of his Titans, dreaming of the throne and Doïdha. Through these two beings the catastrophe is brought about. Lakini, stealing from the finger of her sleeping master the ring the sight of which commands obedience, visits Cedar in his prison, and being repulsed in her love, endeavours to seduce him by a show of virtue and devotedness; she even engages, upon being urged, to restore to him Doïdha. Meanwhile Nemphed, suspecting the designs of Asrafiel, has just ordered Lakini to kill him; she hastens to impart her commission to Asrafiel, who employs himself in preparing a revolution in the palace, of which Lakini is to give the signal by murdering Nemphed himself. In the interval she lays her own plans. She hurries to Doïdha, and obtains possession of her luxuriant tresses, by persuading the poor mother that they are to protect her babes from the cold: she hurries to Cedar, and informs him that he shall be released that very night; his prison door will be opened, he will go forth, a veiled slave will place Doïdha in his hands, when he must, without *addressing a single word to her,* carry her off in his arms and fly in a

given direction; she will meet him at the foot of a sycamore, and bring him his children. Night arrives. Lakini kills Nemphed with a poisoned dart that she holds between her teeth and stabs into his temple as she kisses him. She disappears amidst the tumult. Cedar steals from his prison; a woman is delivered to him, and he carries her away, keeping his promise; it is the utmost if he breathes a hasty kiss upon the tresses of Doïdha, which the breeze wafts to his lips; but upon reaching the sycamore, he gives way to his passion—still without breaking his promised silence—and falls asleep amidst tender caresses. The first ray of the morning awakens him, and destroys his illusion; it is not his wife, but Lakini whom he has so fondly clasped to his heart. Furiously he spurns her into the river that flows beside them, returns to the city and excites the people to insurrection. He appeals to the *adepts* of the Old Man of the Rock, and they, rising in crowds, rush upon his footsteps to the palace of the Titans. Cedar arrives at the very moment when Doïdha, threatened with the immediate murder of her children, is sinking in despair into the arms of Asrafiel. Him Cedar slays, and prepares, with all that is dear to him upon earth, to quit the town, which the insurgents, abusing their victory, then pollute with a thousand atrocities. He pauses for an instant, to comply with the prayer of a Titan, who, having escaped from the tower in which they have shut themselves up, offers, if permitted to accompany the fugitives, to guide them to a land where the children of Jehovah reign: they all depart together, and plunge into the desert. It is there that Cedar, on awaking one morning, finds himself alone, abandoned by the treacherous guide, in the midst of burning sands, without landmarks and without a drop of water. The children die; Doïdha dies. Cedar, amidst imprecations, raises a pile of wood, ascends and sets it on fire; and above the flames, from the bosom of the tempest, the voice of a Spirit, that voice which had resounded in his soul at the moment of his fall, is heard:

"Down, down! he cried. Thou who descent couldst choose!
By thy remorse, fall'n Spirit, mete thy fall!

* * * *

To ope thy native heav'n nought shall avail
Till thou the hundred steps of being's scale
Hast climb'd, and every step shall burn thy foot."—*Vis. XV.*

Here ends the Fall of an Angel; and even in this slight sketch the reader has doubtless perceived that which the perusal of the poem will confirm,—that the original idea has been absorbed by the symbol, that the principle, the creed, the theological point of view, has disappeared under the drama, under the complicated, we might say entangled, narrative of the material facts. We will not enter upon a field that would lead us too far. We will not ask M. de Lamartine for what reason, if he was determined to write this poem of the human soul, from the point of view of the Fall, he chose to make his angel lapse through love, instead of adhering to the fall through pride, which might have afforded him the eminently poetic conception of rehabilitation through love, and would always find us ready to *feel* in our hearts the justice of the expiation, how bitter soever; whilst a sort of involuntary sympathy attracts us towards the divine being precipitated into sin by an impulse of tenderness and devotedness. Neither will we cavil at the book of the sainted old man, which is anything but *primitive*, of which all the precepts belong to a far less remote epoch than that of the poem, and which it is not easy to adjust, in a poem essentially progressive in its parts, with the ideas predominant in one of the last, *Jocelyn*. But we cannot, even while confining ourselves within the limits of art, forbear asking of the poet some account of his subject, of the primary idea of his poem. This idea, which ought to gleam through all the parts of the composition, which ought, in a word, to constitute its artistic unity, where is it, if not in what serves as a sort of prologue to the poem? Take away this prologue, begin with Cedar's conflict with the robbers of Doïdha, efface the four or five lines we have quoted, and say where is the Fall, where the Angel. Say whether you can even guess that a great expiation is in question, that through all these events a religious mystery, an immense and holy rehabilitation is in progress. We find nothing but human concerns, the vicissitudes and miseries of men, without law, without bearing, without relation to the designs of Providence; there is no *fallen angel* here. Lamartine, in one of his first *Méditations*, said, "Man 's a fallen God, who recollects the skies"; and we expected that the whole poem would be a commentary upon this line. Nothing of the kind; Cedar does

not *recollect*. Never does his soul soar towards heaven on the wings of aspiration, never does it recognise heaven's presence by resignation. Cedar enjoys and suffers, struggles and yields to force, seeing only the material, immediate causes of his sufferings, and protesting against them with all his might. He drags himself through the tossings of a life incessantly crushed and dominated by crises altogether casual, and in which nothing, it must be said, could lead him back, by thought, *to his native heaven*; whilst not a single flash of the past, not a single presentiment of the future, crosses the darkness of his night. Is it too soon? Is it only in the second or third episode that the light of divine things may begin to dawn on the horizon of the fallen soul? We know not; and assuredly, by thus giving us his great poem in fragments, without affording us a single glance at the whole, M. de Lamartine has placed himself in the most advantageous position possible in relation to criticism. It is not, however, the less true, that in the work of the poet, the thought, the whole, ought, more or less, to have its reflection in every part. M. de Lamartine has himself recalled this law of unity, by the voice of the Spirit in the last lines of the poem.

Now we say that there is not in his book any moral *measure* of the *fall*. It is not, it cannot be, with *remorse* that Cedar prepares to die; the words of the Spirit are there inapplicable, and can only serve as a text to the condemnation of the poem. If it is not by a certain measure of suffering alone that the soul may redeem its immortality, but, as it is to be believed, by a deep sense of the justice of the punishment, and of its value as an expiation, then The Fall of an Angel is and will remain completely null with regard to the religious and philosophic thought: in it Conscience has no representative.

We can therefore see in this work of M. de Lamartine only a series of fanciful pictures, containing the history of a man named Cedar and of a woman named Doïdha, and possessing simply an artistic value, which we have to appreciate. This value is unfortunately too slight to yield us any compensation for the deficiency in the thought, of which we have just complained.

There are, indeed, here and there poetic beauties, graceful

images, descriptions brilliantly executed, pages which recall M. Lamartine and his best manner; but their number is very small, and there is not one that the poet has not surpassed in his preceding compositions. The hymn of the Cedars of Lebanon (*Vis.* 1.) has been cited as a magnificent passage; to us it appears only fine, and, even independently of the blemishes that disfigure it,—such as the comparison of the thrillings of prayer communicated to the cedars by the instinct of the divine virtue, to the undulations impressed upon the lion's mane by the wind of wrath, that reddens his nostril and growls in his breast,—we should not be at a loss to find in the *Harmonies* analogous and considerably superior passages. Some landscapes are well given, but never, in *La Chute d'un Ange*, does nature appear to us reproduced and felt as in *Jocelyn*. Doïdha's sleep (*Vis. V.*) is a study by a master's hand; but it stands alone, or nearly so. The vision that comprises Cedar's captivity amidst the tribe of Phayz, the budding love of Doïdha, and the sort of education that she gives her lover, is beautiful from one end to the other: admirably in it do the graceful, the chaste and the sweet harmonize: one might say a group of children by Correggio, in a landscape of Claude Lorraine's. But this is all; and are *episodic* beauties sufficient for a poem?

Poets—subjective, and objective,—poets who rule us by *their own* thought or by *ours*, purified and reproduced, or who draw for us from the external world imperishable individualities, brothers and sisters for our soul, when solitary and sad from loneliness, we admit them all, we love them all. They reveal to us duties, or create for us affections. They elevate us above prosaic realities, or sweeten them to us by peopling with loveable and loving phantoms the desert that we are so often obliged to traverse in order to reach the goal of our career. This sufficiently implies that we exact as much of him who asks us to acknowledge him a poet. Now, nothing of all this, we say it reluctantly, have we gained from *La Chute d'un Ange*. We may be interested, as we run it over, in the vicissitudes of its personages, as one is interested, through curiosity, in every action that develops itself before us; but when the book is closed, all is over. Neither the sphere nor the energy of our thought is aggrandized; no

bewitching form has joined the group of ideal forms, our companions for life, created for us by Dante, Shakspeare and Goethe, under the names of Francesca, Ophelia, Clara, Margaret, and so many more. We need not, perhaps, speak of Cedar; but Doïdha herself, Doïdha, upon whom the poet has lavished, as upon a favourite child, all the treasures of his imagination, what is she to us? After perusing and reperusing those long, and often repeated, minutely-detailed descriptions of her person, we have closed our eyes to see if she would not appear to our soul, and we have seen nothing; vainly did we strive to evoke her image. The poet has only known how to paint to us every part of this being, he has not known how to transmit to us that which constitutes unity,—its individuality. He has killed* life by analysis. For a moment we hoped he would have made something for us of Lakini; we thought he would have rehabilitated her by love, that he would have commissioned Cedar to regenerate to virtue and the life of the soul, that creature of beauty to whom the Titans could reveal only the life of the senses. Again we were deceived. Love does not purify Lakini; jealousy immediately smothers the sort of astonishment, to which a love so different from all that she has been habituated to excite and feel, gives birth in her.

Where poetry presents neither individualities nor inculcates a great idea, what remains, besides the form? In these present times, poetry that offers only beauties of form, bears, in our opinion, its condemnation within itself. It is possible, nevertheless, that by dint of labour, of external graces, of captivating images, of skilfully managed cadences, the mind may sometimes be illusively influenced, may, whilst softly lulled by a dreamy harmony, be made to forget the present vacuity. This occurs only too often; but we run no such risk with *La Chute d'un Ange.*

We need not concern ourselves with the incorrectnesses of language, the violations of the laws of rhythm, the distortions of grammar itself; upon these French critics have long since

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* A French critic usually very severe, M. Gustave Planche, finds in Doïdha a union of the Virgins of Raphael and the Magdalen of Correggio. It is true that the same critic thinks the carrying off of the two children by the eagle, *Homeric.* See *Revue des Deux Mondes*, Libr. 1 July, 1838.

done justice. But what they have overlooked, and what appears to us a far more important matter for animadversion, as affecting the very nature of the style, is a real poetic materialism, which, in an inconceivable and systematic manner, predominates throughout the whole poem,—a materialism always, to our mind, the fatal symptom of fall, but which, on the present occasion, strikes us the more, because it displays itself in two-thirds of the poem, in the representation of a *horrible* not possessing even the merit of M. Victor Hugo's *grotesque*, that of contrast.

A critic with whom we nowise sympathize, but to whom we do not deny a certain acuteness of observation in all that concerns the poetic *form*, or style, if the reader prefers that term, M. Nizard, reproached M. Lamartine two years ago with a habit of exalting and transfiguring everything, that singularly impairs the reality of his pictures. "Who would "not believe," he has somewhere said, "that a bird was spoken "of in this line:—'Surprising in his NEST the new-HATCH'D "fawn'.? The lair of quadrupeds is not a *nest*; and to be "*hatched* is applicable only to the young of oviparous ani- "mals, and especially of birds, for whom this graceful word "seems to have been appropriately invented*. But M de "Lamartine wished to give the fawn a nobler abode than the "thicket of a wood, and an origin more poetic than the par- "turition of a doe after gestation." Transfer this trick of exaltation, of transfiguration, often to the horrible, always to material objects, and you have the poetry of The Angel's Fall.

There is here nothing vague or ideal, nothing of that intangible indefinite which abounded in M. Lamartine's first manner; everything is positive, palpable, massive; everywhere the appropriate word, the picturesque word, has dethroned the abstract or metaphysical word; everywhere, in the representation of objects, analysis and material detail have supplanted the synthetical expression, defining an object by that which constitutes its life and unity. No more of those figures, with lightly traced outlines, a little indeterminate and hovering, like the visions of thought, but of

* Our word hatch cannot claim the admiration for euphony here lavished on the French *éclore*, which applies likewise to the more beautiful opening of the flower-bud.

which the expression, caught in its prominent and characteristic feature, remains so thoroughly imprinted on our souls. No more of those pictures of nature, painted by masses, and of which some principal features, some deep lines, drawn after the manner of great artists, suffice to give us so just a conception of the whole. Doïdha is described, as by inventory, ten times in the poem; the first time in seventy-five lines: the giant who surprises her in her sleep requires forty. The landscapes are counterdrawn, represented in their smallest accessories, then inundated with light, shed equally upon all points, without contrasts, without shade. Does the poet seek images, similes, or analogies for anything? He quits not his sphere: one material object awakens in him no other idea than that of another material object; and that whole source of poetry, so difficult but so potent, which incessantly passes from the physical to the moral, seeking the harmonies of the two worlds, is for him dried up. He can, indeed, still descend from the world of spirit to the world of matter, and translate to the senses what should be addressed only to the soul, but he can no longer reascend. He can say of religious enthusiasm,

> "There, was the ecstasy that *bounds* and glows,
> From o'er-fill'd breast *extravasating flows*,
> And holy *boilings* of parturient soul;"

—but he can no longer write anything like the forty or fifty admirable lines that crown his *Etoiles*, (*Nouvelles Méditations*, VIII.). But an example, taken from amongst a thousand, will better illustrate this tendency towards a poetry altogether external, this luxuriance of materialization we are noting. We take it from the first Vision.

> "The morn * * * *
> * * * *
> Rising 'twixt those large stems, round, full and clear,
> Touching the hallow'd cedars' *fronts* so near
> She seems a *golden fruit*, on their last bough
> By those miraculous trees matured ev'n now.
> From branch to branch the limpid radiance *streams*,
> *Winding* in *reflex* of *refracted* beams.
> A *stream* of *silver* thus, that falls divide
> In *crystal sheets*, *rains*, *sparkles*, scatters wide,
> Then spreads in giant fleeces on the ground,
> *Silv'ring* the flowery slopes and turf around."

If the analysis of which we have indicated the course by the words in Italics be applied to the whole poem, with the exception of a few pages, the result will be the same. Everywhere shall we find the same luxuriance of epithets, all enhancing the physical appearance of the objects; everywhere the same unfolding of sensible images, reflecting and refracting themselves, as the poet says; everywhere, in a word,—let the expression be allowed us,—matter multiplied into itself. There are people who have called this richness; but if a series of magnifying glasses repeat a handful of gold—Boileau would say of tinsel—over and over again, is one the richer for that?

Nothing can be more monotonous, more wearisome, more opposite to the nature of poetry, which should lend the reader wings, than such a process. One rises sated, heavy, oppressed, as from sensual orgies. We say this, speaking only of the better parts of the poem, of those in which the worship of Form is kept within the limits of the Beautiful; for, what shall be said of those, much more numerous, in which this power of poetic materialism is employed in the service of the Ugly, the Horrible, the Disgusting? What shall be said of the impression received from the perusal of the Tenth Vision, in which the poet has put his imagination to the rack, in order to terrify us with whatever is most revolting,—as sculptures formed of living beings, children and young girls, serving the Titans for cushions, dramatic representations consisting of real tortures, and we know not what besides? What shall be said of portraits like that of Asrafiel?

> "Vast floods of air his sonorous nostril press'd
> Through turgid channels into his large chest.
> His cheek, where fire's own colour waving play'd,
> The brutal heat fev'ring his blood betray'd.
> Upon his massive lips' empurpled swell
> Lascivious images were seen to dwell,
> And on his breast thick tufts of hair to float
> Like silken locks from side of shaggy goat."

Or of these lines upon Sabher?

> "He in devising executions joy'd;
> Prolong'd the torture, savouring each throe,
> Nor, save in mode refined, would death bestow;

Suffering would suck from human nerves, and drain
The lifeblood drop by drop from every vein;
Scatter the dying victim's limbs afield,
Or burn with such slow fire as torches yield;
The living skin in gory strips would tear,
From fleshless skulls would rend the flowing hair;
Thus the live skeleton from turret high
To hang, the sport of winds that whistle by,
Until the skin, dissever'd from the head,
And tearing from the forehead, shred by shred,
Broke with the body's weight, and, giving way,
Let the wretch drop, to thousand deaths a prey."

Or of the combat—we ask pardon for this last extract; but we must needs prove the poet's fall—between Asrafiel and Cedar, in Vision XV.?

"Cedar, ev'n whilst his veins their pure stream shed,
Crawling, 'neath that vast armpit slips his head,
Grapples his brawny flanks, with straining chest
And bleeding gobbets mammocks from his breast:
Unheeding the vile blood, that sullying pours,
To seek the heart the gory side explores;
His teeth, unharm'd, grate on the ribs, now bare,—
Each time they strike, morsels of flesh they tear:
The black blood gushing foams about his lips;
Smokes in his jaw each living lump he strips;
These on the wind with rage unquench'd he shakes,
His bite enlarges, deeper in he breaks,
Finds 'neath the mangled flesh the heart that quails,
And, lion-like, with desperate tooth assails."

Heaven be thanked, we have done! The reader has seen enough to understand M. de Lamartine's fall, and the nature of that fall. He must already, like us, have put the question to himself, how the author of the *Méditations*, the poet of the deepest emotions, of the most spiritual aspirations, can have come to delight in this gross and carnal poetry, in the manner of the Rubens'-school, without the genius of Rubens, or his worship of material *beauty?* This *how*, we will endeavour to explain to him, as it appears to us to follow necessarily from a comprehensive retrospect of Lamartine's whole poetic career.

When the first *Méditations* appeared in 1820, they made a sensation in France such as few books can make. It was poetry of a perfectly new species, raising its voice at the very

ment when a generation, sick of the cold and measured versification of the Empire, was asserting that all poetry was dead, and that henceforward to prose, a lofty and poetic prose, appertained the expression of the thoughts of the epoch. This poetry looked to the future by the nature of the ideas, or more properly of the sentiments, and by its aim; whilst by a certain chastity of form, by respect for the language, and even by some few old classical reminiscences, although proclaiming the independence of Art as a right, it preserved a connecting link with national literary traditions. It satisfied all demands, and was entitled to find favour with all schools. The author's poetic talent was, moreover, truly and incontestably powerful. Never had France known such elegy. Never had hope breathed amidst ruins hymns so sweetly melancholy. But besides—we should say above—all this, high above the literary point of view, there was something more. There was in men's souls an anxiety for the reknitting of earth to heaven, a yearning after that something which may for moments be lulled to sleep, but never extinguished in the hearts of nations,—the sense of the Infinite, of the Imperishable, the tendency to sound the abyss that conceals the solution of the mysteries of the soul, the innate desire to know, at least to surmise, something of the starting point and the goal of mundane existence; in a word, religious faith. So many ruins had accumulated during the twenty or thirty years that had just elapsed! So much human grandeur had been eclipsed! Well might they, who had seen, first the Revolution, then Napoleon moulder away, think that all things were nothing, save in relation with the eternal idea, the hidden design, which God verifies through the world. The Empire had just fallen, and men understood confusedly that a whole world concluded with the Empire, that a new world was to arise from its gigantic ruins. During the Empire, one half of the soul had been smothered. Matter—in the service of an idea indeed, for only at that price is matter active, but this was not taken into account—had eclipsed mind; force had stifled conscience; and conscience, with all its previsions, with all its rapid intuitions of the things of heaven, was, in its turn, vigorously reacting. Conscience asked for a return to a superior, immuta-

ble order of facts, which might explain the evanescent, and often apparently contradictory facts of the day,—for the re-inthronization of moral unity, governing from on high the crises of thought, the successive revolutions, the movement, so abrupt and irregular, on the surface of the human mind: it asked for a common religious faith, affording in its bosom a fixed point amidst the whirlwind of things; an assured asylum against the scepticism with whose germs it had been inoculated by an all-dissolving philosophy; against the despair that sometimes seized it at the sight of the instability of human foundations, and of the bitter deceptions every moment experienced from the external world. Lamartine stood forward as the interpreter of this imperious want. He associated the flights of his Muse with all the protests that were fermenting, unexpressed, in men's hearts. He moaned the complaint of all, he murmured the hope of all. He became the harmonious echo of the anxieties, of the internal struggles of a whole generation. He painted himself in his verses as suffering from the disease of the age, and labouring to cure both himself and it. In a word he assumed the attitude of the religious poet. As such he was evidently accepted, as was Victor Hugo simultaneously, as Chateaubriand had previously been: and here lay, in great part, the secret of his talent and of his fame.

Was he really a religious poet? No, he was not.

The malady of the age he indeed had; and never perhaps, at least in France, had it been so well expressed; but the remedy he had not. It might even be said that the poet sometimes detects himself doubting whether any exists. In the first, and in the new *Méditations* there is religious feeling, the disposition to which somebody has given the name of *religionism*,—but no religion: the yearning for a belief is not belief. In order to be a religious poet, it is not enough, in our eyes at least, to cry Lord! Lord! to lie prostrate before God, and, with the head in the dust, to confess his infinite power: it is necesssary to *feel* his holy law, and to make others *feel* it, in such sort as that they shall constantly and calmly act in obedience to its precepts. We say calmly, and this calmness of the believer must, above all things, radiate from the poet's brow upon those who listen to his lays, as the spirit of

God radiated from the brow of Moses upon the Israelite multitudes, wandering mistrustingly through the desert.

For this is, indeed, the mission of the religious poet,—to console, to strengthen, to guide. The God whom he adores is the God of life and love, that is to say, of works wrought in love,—is the God who uplifts, the God who pardons, but on condition that we shall love much, which means, that we shall do much; for what is love merely contemplative, love that sacrifices not itself? Wherefore roll the forehead in the dust, like an African Santon? Did he not form that forehead after his own image, that, upraised towards heaven, it might adore? Why tremble in every limb, like a criminal before human justice? Has he not said, "I am the good God; purify your hearts, and serve me in joy?" Such is the God of the religious poet. And he, the author of the *Méditations*, what is his God? whom does he adore?

He adores Fear. The God whom he adores is the God of the East, before whose omnipotence he perceives but two possible parts for man—blasphemy or annihilation. Betwixt these two states the poet, as he himself tells us, long oscillated. He strove, by the solitary potency of his soul, to scale heaven like the Titans, to wrest his secret from the Everlasting, and seat himself by his side. Struck by the sight of evil, a prey to the sorrows inseparable from human life, he rebelled; long did he, like the serpent, bite with impotent tooth the rod of iron that crushed him; then, when he saw the fruits of science, sought for its own sake, turn to dust and ashes between his lips; when, exhausted with his efforts, he felt himself vanquished in his individual struggle against evil and sorrow, he sank helpless back into nothingness, he degraded, and denied himself. With a sort of frenzy of submission, he took to kissing the rod that struck him, (see *Méditations; à Lord Byron,*) he became not the servant, but the slave of a God who will have no slaves. Like Victor Hugo, he has condemned man, science, the whole world, to annihilation; like him, perhaps even more than him, he plunged into that permanent contradiction which blasphemes the creation whilst blessing the Creator. If he has ever dared to look life in the face, it has been to exclaim,—see *Nouvelles Méditations*, XV., *Les Préludes*,—

"Oh let us forget, 'tis the secret of life."

If he has dared to think of the gift of poesy with which God has endowed him, it has been to allow it a merely negative power, and to say,—XXVI. *Adieux à la Poësie,*—

> "On us the lyre was but bestow'd
> To lull our griefs to sleep."

The expression of this struggle is found in many of the *Méditations,* sometimes even too vividly, and so as to hurry away unconsciously young, inexperienced minds. See, *Méditations,* II. *à Lord Byron,* VII. *Le Désespoir,* &c. The expression of the second tendency is everywhere. Nothingness, disenchantment, despondency, this is the eternal theme of the *Méditations,* it is only thus that the poet rises towards God. Hence that feeling of a struggle betwixt faith and reason which recurs at every step, as if it were not our duty to labour incessantly to place reason under the ægis of faith, as if faith were not itself transcendent reason. Hence,—whenever the poet, led away by his original instincts, returns to the search of happiness on earth,—that longing to find in it, not a renewal of energy to fulfil his mission, but forgetfulness, inaction, a sort of annihilation of his individuality, which, in the *Nouvelles Méditations,* dictated the Fourth (*La Sagesse*), the Eleventh (*Elégie*), the Twelfth (*Tristesse*), the Thirteenth —(*La Branche d'Amandier*), inspirations now Tibullian, now Horatian, in a word, Pagan, disguised under Christian forms; hence, in fine, that gloomy and unfruitful sorrow, that wind of sadness drying up the spirit, that sense of moral depression, of languor, piercing through his poetry, and which is likewise, as we firmly believe, its definitive result, the only effect remaining in the soul after its perusal. And, whilst thus writing, it is not of the avowedly melancholy *Méditations,* of those in which lamentation predominates, that we are thinking: far from it; we are the first to protest against that habit of criticism which seeks on the poet's mantle some portion that time or the winter's frost has prematurely worn, and judges him by that scrap: a cry of anguish may occasionally break from lips the most habituated to whisper words of resignation. It is of the collective bearing that we speak. It is after the pieces strongest in Godward bursts, that we feel this something resembling exhaustion. It is on the wings of imagination, rather than on those of the heart, that we have been

compelled to follow the poet in his flight: the heart has remained sunk in bitterness, *weary of all things, even of hope,* and repeating in whispers to itself, the *what can be done with life?* of the Nineteenth *Méditation.*

And men, his *brothers* in *sorrow,* what has he to say to them? What has he to give them for their support and guidance in their pilgrimage? Nothing. One consolation on their death-bed, in the Twenty-second *Méditation* (*Le Crucifix*), an admirable piece, the only one of the Meditations, perhaps, in which religious inspiration really touched M. de Lamartine. And by an inevitable consequence, although it strikes us at first sight as a contradiction, the anathema he has breathed soon changes into careless indifference; the severe Jansenist asceticism into a sort of individual Epicurism, after the Pagan fashion. Human life being in itself of no value, why rack it with cares, why furrow it with active and serious thoughts? Let it glide away like a dream, as fast as possible, and let us try to abridge its duration by enjoyment. Listen to this:

"So that I may, in th' arms of a loved wife,
Taste in obscurity the sweets of life,
So that my father's rustic home and field
A roof in winter, shade in summer yield,
So that my board, with happy children blest,
Be peopled yearly with an added guest,—
No longer, friend, I 'll rove afar to steal
God's secrets, and the How, the Why, reveal,
Nor with my feeble genius laughably,
As painfully, to aid Omniscience try.

* * * * *

Trusting in God for guidance to that strand,
That port invisible where all must land,
I let my mind each anxious care dismiss;
Pursue, as its sole study, easy bliss;
Uncheck'd by pride, yield to each breeze's force,
And follow, watching God alone, Time's course.
And thou, * * * *

* * * *

Tell us, as Horace would have told of thee,
Should man resist his Destiny, or obey?
Have I mistaken or my goal, or way?
Can other roads to wisdom lead the heart?
Save th' art of happiness, has life an art?"

Or to this:

"To think is sheer insanity;
All thought is error, vain as weak;
In silence live, in silence die,
'Tis only for the Lord to speak."

* * * *

"Sit by this fountain, where the trees
A summer's branchy roof have made
That, waved by tepid southern breeze,
Chequers the stream with flick'ring shade.
There, to the murmuring of the flood,
Express the luscious grape's pure blood,
Blest liquor, blushing child of art;
Beneath the vines reposing, pass
From hand to hand the rosy glass,
Fill'd with th' ebriety of heart.
From garlands, fragrant with perfumes,
Even as we select a rose,
Select a virgin, as she blooms
In valleys where the lily grows;
Inebriate, her breath inhale,
Uplift her tresses' ebon veil,
Her beauty's fruits taste happily.
'Live, love!' This, wisdom's rule confess;
Save pleasure and save tenderness,
All is deceit and vanity."

* * * * *

"Then why with sterile cares and fears
Envenom evanescent days?
The present day unnumber'd years
Of unborn centuries outweighs.
Pass, flitting shadows, pass ye on;
Go thither, where your Sires are gone,
Beside them close in sleep your eyes:
From that low bed of slumber, death,
'Tis said, shall wake to life and breath,
And, like Aurora, in the skies."

The pieces from which these fragments are taken are entitled, the first, *Philosophie*, the second, *La Sagesse*. And now, whenever we shall hear the poet moan, or hold life cheap, we know why: he aimed at happiness, and has missed it. He is no longer a Believer, an Apostle, impelling us to the foot of the Sanctuary: he is a disappointed man, who, frustrated of the enjoyment he had projected here below, is resolved, by force of prayers and tears, to storm the joys of heaven. He loves his fellow-men, he says: what matters it

to us, if he can do nothing for them? He wishes for the progress of the world: why should he, since he disdains it? Have we not a right to believe that he loves only himself in us? Has he not told us that life is nothing but the art of being happy?

Yet there are everywhere men, whole peoples, who suffer—nations desirous of accomplishing their mission upon earth, and whom brute force hourly flings back, living, into the grave: whole races grovelling in slavery and ignorance, that should be relieved, and awakened to the works of God. Yet evil is in the world, and should be fought. Yet further, this world, which the poet disdains, is a divine conception,—these men, whom he dooms to inaction, have been created for an end, —this reason, this genius, which he calls nothingness and vanity, are the beacons given us by God, that we may see that end, and the course by which we are to reach it. And should not a religious poet, instead of blowing them out, teach us to regulate them, and by their light to conquer the bewildering darkness? "Lean upon the staff of hope," says Tegner, the Swedish bishop; "learn and reflect. Then rise "up, and battle for mankind, with the word, with the "sword! Be misunderstood, be hated; but still clasp thy "fellow-creatures to thy lacerated heart." There is more religion in those few lines than in all the *Méditations* of M. Lamartine.

We have dwelt thus much upon the *Méditations*, because in them lies the germ of M. de Lamartine's success and subsequent failure: all that he has since produced is but its necessary growth and blossom. This was not perceived. To a poet often so admirable, the oscillation between desire and fear of his weakness, between God and pleasure, was willingly forgiven. At bottom, this was the state of the century itself at its opening. M. de Lamartine, with his three or four thoughts, sweet, dreamy,—Bellinian, if we may be here allowed this recollection of an artist whose musical inspiration seems to us absolutely analogous to that of the poet,—appeared to tread pretty closely on the future. He will go forward, was the cry. He has not gone forward; the age goes forward alone, and without him.

Les Harmonies, in 1830, proved what we have just said.

They were very coldly received; and this coldness was not owing, whatever may be averred, to the events which followed hard on their apparition. Revolutions, at their commencement, always exalt the poetic sense of nations; and had the chord vibrating under the poet's touch been that which was trembling at the heart of the age, enthusiastically would the France of July have adopted the *Harmonies*. Neither was it owing to a very decided poetic inferiority; the author's point of view once admitted, poetry flows in them often in brimming measure. Even independently of those which are confined to the sphere of personal emotions and affections, such as *Le Souvenir d'Enfance, Le Rossignol, Le Premier Regret,* &c., all very beautiful; and as such received;—the religious *Harmonies* bear traces of great power; but the predominant thought was not that which the times were then evolving. The *Harmonies* proclaimed that, for the poet, the struggle was over. They professed to give the solution of the problem; and this solution was nothing more than that of which some misgivings might have been felt from the *Méditations,* a moral suicide completed—an absolute obliteration of individuality—an overwhelming of all the active faculties, of moral power, of the mission undertaken, of liberty, under the sense of the Infinite. With the exception of *Le Chêne,* in which the poet admirably well rises from "nature up to nature's God"—of *L'Humanité,* in which, by the way, the portraiture of woman appears to us superior to that, so highly extolled, of Doïdha—of the *à l'Esprit Saint,* —of the first of the second book, *Pensées des Morts,* which, from the line

> "To thee they pray'd whilst their short life endured,"

to this fine quatrain,

> "To them extend thy clemency immense!
> They 've sinn'd; but, Heav'n, thy bounteous gift we feel!
> They 've suffer'd; 'tis a second innocence!
> They 've loved; and is not that their pardon's seal?"

contains real poetic intuitions,—the four books of the *Harmonies* confirm our assertions. Orientalism in thought, orientalism in form! God burthens man with his whole immensity. As in the dramas of Zach. Werner, in that "Vast

sea of Being, that ingulphs all things," the individuality immerges itself, and is absorbed. Accordingly, the poetic form shows the baneful influence: the attributes of power are employed, almost alone, to paint the Divine Nature; the same images momentarily recur; epithets multiply; the pompous, the sonorous, abound; everything, even the rhythmic cadence, assumes a monotony, the more important to observe, because the endeavour to avoid it is the motive that has since driven the poet to plunge into the faults that signalize the *Chute d'un Ange*. With regard to life, the same contempt, the same disenchantment, the same thirst for repose, for inaction. Man's divorce from the world is there distinctly pronounced (XI. *L'Abbaye de Vallombreuse*). Man, *praying remote from mortals*, is there presented as the ideal type of religious feeling (VIII. liv. 4., *Le Solitaire*). The opposition between reason and conscience is here (XI. liv. 4.) yet more loudly proclaimed than in the *Méditations*; as if the two were not sisters; as if conscience were not, perhaps, in the human being—may we be pardoned for any little obscurity in the expression?—a synthesis, of which reason is the verification, the analysis. Sometimes, as in the Fourth *Harmonie* of the 2nd book, *L'Infini dans les Cieux*, the mind is elevated as we read; it feels enlarged, in the magnificent opening. As more of the work of God is embraced, we almost touch upon the conception of man's high mission in the universe; and suddenly the poet's hand hurls us down from the topmost round of the ladder of creation, and his bitter voice shouts to Heaven these lines, which we must needs cite,—for never did the thought, the secret terror, which oppresses him like a nightmare, find elsewhere accents so imbued with truth:

> "Crush'd by the weight of thine immensity,
> I am made nothing, blotted from the land;
> Less I esteem me than that grain of sand:
> The sand, by restless waves roll'd o'er and o'er,
> If less extent than me, of time has more;
> Still will it occupy its part of space,
> When I no longer have name, time or place;
> Its sadness, if 'tis sad, than mine is less,
> For senseless nothing feels not nothingness!
> Seeks not enlarged existence with fierce throe;
> Struggles not to ascend, to judge, to know.

It pants not with desires immense as high;
In death it dreams not immortality!
The horrors knows not which my soul dismay,
For thy great thought on it could never weigh."

He forgets that, provided man fulfils his duty, it matters little whether there remain to him name or place here below. He forgets that it is neither by time nor space that the work of God is to be estimated, but by what is achieved, by what is developed in time and space. He forgets, that if man be superior to the grain of sand, it is precisely by his intelligence; because there is in him a larger portion of the life of God; because God's design—we say design, not power, for it is the consciousness of design which nowadays makes the believer—is more apparent in him, more visible*; and he forgets, that it is to this deficient sense of human dignity, to this debasement of it, that we in great part owe the deplorable spectacle which the actual world presents us;—that when we begin to despise the individual in ourselves, we are disposed to crush him in others;—that if he, the poet, has arisen after a period during which man, presuming too arrogantly upon his own energies, had made himself a Titan, a Capaneus, the reaction ought not to overpower him;—that an abyss yawns between abuse and negation, between godless audacity and abjection;—that what we need is boldness with God, through God;—and that, in fine, there is, in lays like his, another danger, namely, that men, in whom the immortal instinct of action cannot be stifled, will again rebel, and seeing that the poet's religion leads to nothing but inaction, reject religion and the poet together. They make to themselves idols of bronze or of gold, and place action under their protection. This always occurs when education strives

* We are well aware, that towards the close of the *Harmonie* from which we have extracted a passage, M. de Lamartine recollects himself, and in some measure recants the thoughts that we reprobate. They have nevertheless passed over the religious poet's soul, whilst gazing on the spectacle of creation, and remain as the expression of his inward, individual thought. The bitterness of the lines extracted, and of those that follow, springs from the heart, and is alone infectious, seductive to youthful readers. The burst of soul is only there; the lines that conclude the piece are cold, like philosophic resignation. It needs but to compare them. This is, besides, an exceptional case: elsewhere the poet's doctrine is found without corrective. The reader may find its last formula, dry and terrible, in *Novissima verba* (II. liv. 4.)

to suppress, instead of directing, one of the essential elements of human nature.

With the *Harmonies*, the character of M. de Lamartine's religious tendency and poetic vocation was pretty well established—perhaps, and we fear it, immutably fixed. It would have required a sort of intellectual prodigy, an integral renovation of his mind, to enable him to begin his career afresh, upon new bases. The question could henceforward turn only upon form. Would he reascend towards the *Méditations*, adhering anew to the simple, chaste, and spiritual expression that embellishes them; or, fearing to be early exhausted, hurried away unconsciously by a fundamental orientalism, would he more and more adulterate by materializing it, by overloading it with ornaments and external gorgeousness? As a star appears for a moment to return towards us, ere it plunges below the horizon, so M. Lamartine appeared to reascend. He published *Jocelyn* in 1836*. With regard to essentials, *Jocelyn* in nowise invalidates our thesis. Contemplation, inaction, predominate here, as in M. Lamartine's other poetic labours. But as the author has in some sort exempted himself from criticism with respect to the ideas, by presenting himself, upon this occasion, only as the historian, —as he tells us, even in his preface, "*Jocelyn* is the Christian "type of our epoch; the reader would deceive himself who "should see in this subject anything but its poetic part; "there is here no concealed purpose, no system, no contro-"versy for or against such or such a religious creed"; we need not seek here for the development of the poet's thought; we accept it as a halt; and if we cite it here, it is only to mark therein the poet's last effort to maintain himself, at least as to poetic expression, in the right road, upon the ground of spirituality. In fact, the image here very seldom crushes the thought; and, at the beginning of the second *epoch*, there

* We have no concern with the *Voyage en Orient* (Oriental Travels), which appeared in 1835. Suffice it to remark, that, in the midst of fine pages, the dominant thought in nowise interrupts the concatenation that we here are sketching. Thus, the Turkish people is, in his eyes, a people of patriarchs, of contemplators, of adorers, of philosophers. Thus, "The only mission of man here below, was," says he, "to glorify God, and to implore him; to view the work of God under every aspect; to admire its magnificence upon the mountains and the ocean; to adore and to bless his name, which no letter can contain; that is the whole of life."

are passages in which reverie, the God-ward bursts of the soul, everything most difficult to catch and to express, is painted with the subtlety, purity and delicacy of the spider's web suspended betwixt two trees, and giving free passage to the sunbeams. The solitude of the grotto of the eagles on the summit of the Dauphiny Alps, and the gradations by which the yearning for love arises in the heart of the young priest who inhabits there, (3. *époque*) are equally well described; and, notwithstanding some faulty similes, and the inaccuracies inherent in rapid versification, *Jocelyn* has fine pages of poetry. It was a bold effort, but it exhausted the poet. *La Chute d'un Ange* followed *Jocelyn*. Depression and sterility of thought in the substance—adoration of form and materialism in the poetic expression,—it is the poet's last word, and does not in the least astonish us.

And now the reader will be pleased to recollect, if, indeed, he attach the slightest importance to a just appreciation of the existing situation of literature, what we said (No. XII., p. 460–3–7, especially) with respect to M. Victor Hugo. We cannot repeat our words; but every one of our remarks is applicable to M. Lamartine, and the secret of his fall is the same as that which produced Victor Hugo's. Like him, M. Lamartine, influenced by the instincts of the age and of his own talent, proposed to himself, as his object, human rehabilitation from the religious point of view; like him, he has proved short-sighted, and incompetent to perceive that the only possible rehabilitation for the *individual* is through the *species*. He has proved incompetent to rise to a just conception of the whole. He has proved incompetent to work upon the idea of Humanity, such as Bacon, Vico, Pascal, have afforded it us, such as is in course of adoption by the age,—working, advancing, developing itself, as a single being, by the more and more comprehensive, the more and more intimate association of all its members, urged by a divine impulse towards the search after moral law, towards the progressive fulfilment of its providential destinies. He, for his part, saw only the individual, and has never overstepped that sphere. Thus he has been without a basis by which to appreciate value, by which to understand the sense, the object, the importance of actions: he has judged them all absolutely, and in their tan-

gible, immediate results; not relatively and in their remote consequences, often impalpable, but always certain, as regards the great and combined work. Thus destitute of all aid, he found himself, at the very beginning of his quest, in front of that terrible *unknown* which has consumed so many a lofty intellect, between the two terms of an equation as old as the world, and never completely solved, of which the one represents *man*, the other GOD; and unable to catch the connecting link, incompetent to follow the series of transforming operations which alone can bring the first nearer to the second, he recoiled in terror: he was struck with nothing but the immense disproportion; he found nothing possible but to annihilate himself before it: hence, if indeed it deserve the name, his religious theory. At the same time, in the literary point of view, he found himself threatened with very early sterility. Poesy—great, ceaseless, eternal poesy—exists only in the development, the evolution of life: only there, in life, understood and felt in its universality, can inexhaustible variety be found. Concentrated in the narrow sphere of individuality—consequently having but an incomplete, mutilated conception of life,—contemplating it but partially, and at a given moment,—it was certain that he must, in a very short time, find himself drained of representations, of images, of combinations. More a poet than aught else, and unable to resign himself to remaining silent, he has endeavoured to substitute to the infinity of ideas that was denied him, the innumerability of forms—to the monotony of *Les Harmonies*, the delusive and material variety of *La Chute d'un Ange*. This experiment is not, however, in our opinion, natural to the poet, and we believe that it will be monotony, not variety of detail, that will dig the grave of his poetry.

This is the actual position of Lamartine at present; this is pretty nearly the actual position, though reached by somewhat divergent paths, of Victor Hugo;—Hugo and Lamartine—that is to say, the two most powerful poets of France of the nineteenth century, the two heads of the romantic school,—the only difference between whom is caused by the peculiar temper of the talent of each. The one more naturally various, more objective, more dramatic—despite his bad dramas—more powerful, perhaps, takes the God, and impri-

sons him in the symbol: he is an idolater, a pagan. The other, more narrow-minded, more subjective, more lyrical—at bottom, perhaps, more religious, absorbs the symbol in the God—the creature in the Creator; he is a pantheist, an orientalist. The connecting link, the graduated scale, escapes both: the moral effect of their strains is identical. Neither the one nor the other is, as a religious educator-poet, the poet of the future.

The future—we now express our idea summarily, awaiting another opportunity to give it development—the future of art is not there. Until the present day, setting aside an occasional genius—art has moved in the sphere of individual life; a representation or a theory of individuality is found at the end of all its productions; its views have never overstepped this thought, elaborated by ages, the emancipation of the individual from the numerous causes, physical and moral, that fettered part of his activity: in a word, the apotheosis of *man* has ever been, consciously or unconsciously, the object of art. This point of view is now left behind. This thought of art is realized, and, consequently, exhausted: it can no longer furnish the artist with a source of new and fresh inspirations; nor can it longer satisfy all our moral wants, all our actual creeds: therefore is it that the poetry of the last twenty or thirty years has only been able to disguise exhaustion under extravagance, or to betray, in the dejection that we have found in Lamartine and Victor Hugo, and that we should find in many others a profound sense of its own impotence;—therefore is it that the public of our day affords so few believers in art, and that indifference is fast expelling enthusiasm and sympathy from the heart. Art, in order to blossom anew, must, at this time, undergo not simple modifications, but a radical change in its principal bearing and its end: as Bacon says, *instauratio facienda ab imis fundamentis.* The progress of ideas has by little and little changed the point of view of philosophy, of science, of policy: art must advance with the world, and similarly change its own. What has hitherto been its end must no longer serve as aught but a starting-point; its end will no longer be the individual, but society: in its production, the man will yield precedence to Humanity. We have said *will yield pre-*

cedence, not be *obliterated*, for nothing that has been is obliterated. Individuality is sacred, for it is an essential element upon this earth; but it must henceforward harmonize with the social conception. Instead of contemplating the individual only in his internal life, in his own sphere, independent, insulated, the artist will have to study him in his internal and external life at once, in his place, and with his mission in creation: in a word, man, in relation with God, through humanity, will be his theme. This will be done; for the poet cannot, on pain of abdicating all influence over his brother men, sever himself from the impulse of the age. Now, let any one look around, and say whether, from the almost general tendency to react against the individualist thought of the eighteenth century, and to revivify belief;—from the desire for moral unity, piercing through every manifestation of mind, from the labours of scientific co-ordination even to the abortive attempts at new religions;—from the desire for material unity, which is again giving warmth in the heart of nations to the feeling of nationality, chilled towards the end of the last age by a vague and inert cosmopolitanism;—from the necessity which almost always converts political questions into social questions;—from demands everywhere arising for national education;—from those sympathies, so instinctive and so sudden, between nation and nation, dividing Europe so distinctly into two camps;—from a thousand other facts which we omit, and every one can find for himself;—it does not clearly appear that individual thought, at this present time, is gravitating towards collective thought, and that the harmonizing of these two must be the drift of all that intellect thinks, does, or sings?

But when this shall be done, when poetry shall have risen a step upon the ladder, and when it shall be understood how narrow and egotistic is all the present poetry that entitles itself renovating and religious,—do we mean that there will be no place left for the expression of those deep-seated emotions, of those individual laments and aspirations, which, in his early days, made us love Lamartine? Does it mean that we shall forget, or look disdainfully down upon those poets who touched our youthful years? Not at all. God forbid that we should ever prove ungrateful to the flower that has

breathed a perfume into our soul, has enriched our memory with a recollection against that period, too often unavoidable in this period of moral crisis, which lives wholly upon recollections. In all times, in all places, there will ever be affectionate and timid souls, yearning for an inward poetry, wholly wrought of individual emotions; there will always be spirits betrayed, bruised, unhappy, that will long to weep, in their solitude, over the pages of sister spirits, bruised and deceived like themselves. And amongst these select poets, the confessors to whom oppressed spirits will fly, M. Lamartine will long hold his place. Only he will no more bear the title of the religious, the educator-poet. His personal inspirations, his love, or fire-side gossipings, his idyllic pictures, will remain; but all the religious, the lofty lyric, and preceptive part, those, in short, which he perhaps prefers, will, we apprehend, be forgotten.

Then we shall also recollect that, like some other poets of his age, M. Lamartine has been, in great measure, the reflection of his times, and that the contemporaneous generation perhaps imparted more to him than it received from him, of the malady consuming both. And in the same spirit, let us hope that the lines with which we take leave of the poet, and which are from the *Harmonie* entitled *Les Révolutions,* may be the expression of a feeling recognised by the masses of suffering humanity in all lands: for it is the expression of a truth, the dim perception of which, like a breath of prophecy, is travelling through the world.

* * * * "For man, wrought by God's hands,
In shape and size continually expands:
The future's giant, growth his destiny,
In age he wears old garments to decay,
From manhood's burly limbs, as burst away
The swathings of his infancy!

"Humanity 's no ox, short-breath'd, ungain,
Ploughing with slowly-measured steps the plain,
And ruminating o'er the furrow done;
The eagle 't is, in youth and plumage new,
Upwards, from cloud to cloud soaring, to view
The loftier radiance of the sun.

"Tremble not, children of six thousand years,
Though words unwonted thunder in your ears;

Though empires topple, and a century goes!
What if your path with ruins be o'erspread?
Look ever forward, turn not back your head;
The current tow'rd Jehovah flows."

The preceding article was just finished, when *Les Recueillements Poëtiques*, a volume of poems published this year by M. Lamartine, reached our hands; and we hastened to peruse it, in the anxious hope that the poet might, by some sudden burst of renovated power, or pleasing flight of imagination, prove the fallacy, not of our theories, for we believe them to be too well established, but of the opinions which we had reluctantly expressed of the utter want of energy which characterized his former works; but we were disappointed. The volume before us has effected no change in the impression which had been made on our minds, nor have we to alter one syllable of our former judgment. We say that it does not change one of our former impressions; we will not, however, add, that it confirms them, for, in honest truth, the volume is too feeble to do even that. It is perfectly characteristic of the usual style of the author; full of affected prettinesses, signifying nothing; of the same mannerisms which we noticed in *La Chute d'un Ange*; the same negligence, even verging on the ridiculous; but not containing one new idea, not one flight of fancy, not one originality of expression, to give character to the volume. It appears to be a collection of juvenile and worthless poems, which had long lain forgotten in some old portfolio, and were now brought to light for the sole purpose of making up a book for M. Goffelin.

Of the twenty-seven poems, short and long, contained in this volume, some of them, as the *Fragment Biblique*, *L'Amitié de Femme*, &c., are far below mediocrity; while others, as the 16th, *à une Jeune Fille Poëte*, and the verses on 'the Death of the Duchess de Broglie,' contain some few beauties; but in general they appear to be mere fugitive impressions, owing nothing either to previous meditation or after-study, without the lyrical beauties which characterize some of the *Harmonies*, and destitute of the smallest ray of poetic genius. There is more real poetry in some parts of the preface—written in prose—than in all the rest of the volume.

It is on this preface, therefore, for want of a better theme, that we will bestow a few words. The opinions which we have endeavoured to express in the preceding part of this article, appear to us to be summed up very clearly in this introductory portion of the work; and it may be worth while to compare them together.

The preface is divided into two parts; the first treats of the private opinions of the author, and the second of his poetry. We will extract a rather singular paragraph from the first part.

"It does not in the least degree concern either you or me," he writes to his friend, "to know on what poor and passing individuals has rested, for a short period, the control of certain states; nor does it matter to futurity that such or such a year, of the government of a certain little country called France, was distinguished by the consulate of such or such a man. This concerns only his fame, or that of the historian. But it is of importance to us to know whether the social world advances or retrogrades in its never-ceasing revolution; whether the education of the human race, hitherto so neglected or perverted, will be most rapidly promoted by liberty or by despotism; whether the law will be the expression of the rights and the duties of all classes, or of the tyranny of the few; whether human beings cannot be better governed by the principles of virtue, than compulsory force; whether we shall not at length be enabled to introduce into the political relations between men and their fellow-citizens, and between neighbouring and distant nations, that divine principle of fraternity which descended from heaven to earth, in order to destroy all servitude, and to sanctify all discipline; whether we cannot abolish legal murder; whether we cannot by degrees efface from the code of every nation that wholesale murder called war; whether the whole race of man will not at length be brought to consider themselves as one large family, and not as isolated, hostile bands; whether the holy liberty of conscience will not increase with the multiplied refulgence of the light of reason; and the character and the providence of the Great Supreme, becoming from age to age better understood, will not become more influentially and profoundly adored, in word and in deed, in spirit and in truth.

"These are the considerations which most or alone concern us. Think you, that in such an epoch as the present, and surrounded by circumstances as problematical and mysterious, that it is honourable to withdraw oneself from active life, in order to join some small knot of sceptics; and to say with Montaigne, What do I know? or with the egotist, What does it concern me? No! When the Divine Judge shall, at the close of our short day on earth, summon us before the tribunal of our own consciences, neither our diffidence nor our weakness will be admitted as excuses for inaction. In vain shall we reply to him, We were nothing; we could do nothing; we were but as a grain of sand: He will reply, I placed before you, ere the time of probation had passed, the two scales, in which the human race would alter-

nately be weighed; in the one was that which was good, in the other that which was evil. True, you were but as a grain of sand; but who told you that that grain might not turn the scale on the right side? You were possessed of understanding to see and to comprehend this, and of conscience to choose the better part. You should have placed this grain of sand in the one scale or the other. But you have suffered the winds to waft it away, and it has been profitable neither to you nor to your brethren."

This is nobly conceived and eloquently expressed. The virtuous aspiration after the future is beautifully evident in these expressions, as well as in the stanzas with which we concluded our article. Human life, its vocation, and the especial mission of the individual, are well imagined. The author has expressed himself well, for he has well comprehended his duties. But what says the poet? The poet recoils, terrified at his novel task, and seeks to conceal, under the affectation of diffidence and carelessness, his vexation at the consciousness of his imbecility. He has obtained a glimpse of a new world; instead of adding fresh chords to his harp, he occupies himself in diminishing their number, in proportion as he limits the essence and the sphere of poetry. He tells us, that with him poetry occupies but a twelfth part of his life; that it is an instinctive effusion of his soul at the period of silence and of solitude—at the last hour of the night, and the first of the morning; an effusion which he seeks not to control, and to which he brings neither inclination nor object, much less deep and sacred meditation. It is a sort of Æolian harp, which breathes out music, as the morning zephyr sighs over its strings. He recounts the manner in which he passively submits to this natural, though mysterious influence, and almost mechanically obeys its impulses; and he endeavours to persuade us that it is simply an affair of personal gratification, to which he does not attach the slightest importance. He also repeats every instant, and the truth of this will be sufficiently evident to every reader of his last work, that he never erases, or corrects, or polishes, any thing that he has written. He never repels the charge of negligence, but on the contrary declares himself to be incorrigible. His short hour of inspiration having passed away, M. Lamartine has nothing to attract his attention, or rouse him to exertion; for "a collection of verses," says he, "is, after all, one of the merest trifles in the world."

It was not thus that the great poets of other times, and Virgil especially, whom M. Lamartine calls the master of poetry, worked and understood their art. They grew old and pale in the accomplishment of the task which they had undertaken. Their bodily frame was wasted by the fire which glowed within them. They did not disdain to revise, to polish, and beautifully to round many a line of their inimitable works; for they felt all the sublimity of their god-like art, which descends like inspiration on a favoured few, and which enables them sympathetically to transmit all its divine influence to a crowd of readers. They devoted themselves to the accomplishment of an object worthy of their country, and which would endure as long as that country was known. They remembered that Homer had done more for Greece than all her legislators of ancient times could accomplish; and they wrote as if the shades of all the illustrious children of song hovered over them and observed them. This want of fidelity to the art to which they profess to be devoted, and the mission to which they had pledged themselves, is a sign of profound decay in poetry; and we cordially unite with the French critic of the *Revue des deux Mondes* * in condemning this culpable carelessness, which the young poets of the present day seem but too much disposed to imitate. Let the God of Poetry alone preside over the conception and essential development of a poetic work, and all will be well: no arbitrary rules, no cold precepts of imitation, must interpose to cramp the imagination of the poet. But then let not the author refuse to perform the labour of his task,—that of arranging his work according to the forms and details recognised by him and his brethren, and which are of vital importance. It is not necessary to become a Homer or a Dante in order to effect this. Whatever may be the talent of the writer, all the works which he undertakes, for the benefit of society, or with a view to the general good, should be rendered as complete as possible; but in the present day, no one professing the principles which we have just now cited, and appearing to have so just a view

* Review, 1 April. The critic is M. Saint Beuve, who, if we may judge by his "*Pensées Août*," might benefit by the advice which he gives.

of the actual problem of humanity, can be permitted to undertake any of his works, without designing them for the noble purpose of the ameliorization of his brethren. We have sufficiently shown, that there is, at the present day, a paramount necessity to reconcile human life with poetry, and society with poets; but in order to effect this, the two camps so long separated must make equal advances to each other. If we cannot anticipate a new and fruitful manifestation of genius before it is imperatively called for by public opinion, neither can we flatter ourselves that the public will accept of works carelessly written, and not inquire what they might have been, or ought to have been.

In fact, that which we have to object to in the language of M. Lamartine, does not at all surprise us in him—it is but the necessary consequence of that poetic individuality which was so palpable to us in every line of his "Carrière." It is not, as M. Saint Beuve would persuade us, a visible change in some of his opinions which causes his fall—that change is a progress. The intelligence of M. Lamartine is certainly more advanced than it was ten years ago; and it cannot but be allowed, that the author of the 'Utopia' is nearer to the actual character of human life than is the author of the 'Ode to M. Bonald.' It is rather the little relation which there is between the intuition of M. Lamartine and the knowledge of the means which alone can reduce it to reality; it is the disproportion which exists between his imagination and the actual powers of his mind. He divines the end, but not the path which will conduct to it. He has beautiful glimpses of the future, but he is chained to the past by his faults, by his imagination, by his artificial style, and, indeed, by all that constitutes his poetic being. When the advancement of the age carries him forcibly to the feet of the veiled God, who will one day appear in all his glory, he still murmurs his old idolatrous prayer: knowing but little of the social world, his whole world is in himself; he has a vague idea, but no real conception of the changes which are taking place.

He is fully conscious of this unnatural state of mind, this want of energy, and he despairs of being able to conquer it; and therefore he begins to think slightingly of poetry, as a rebellious instrument which he has not the power to model

to the fashion of the present day. Accustomed to the habit of viewing things in petty detail, and forming a limited and incomplete opinion of general life, he feels himself lost when he gazes upon an horizon enlarging before him every day; and feels himself becoming more and more insignificant, as society becomes elevated and improved. He has a confused notion of the state of modern opinion; he has observed some of the indications of the transformation which political circumstances have effected in it, but he is ignorant of the great law of unity which governs the world; ignorant that every new conception is a new object, a new end and aim proposed to society, and towards which every instrument must sooner or later converge, a power to which all the terms of equation must be by degrees raised. He sees the decline of everything which is not of a political nature—while on the contrary we perceive its elevation. On account of these views he has divided the world into two parts—the social, or that of action and humanity, and the political: he allows poetry no other world but that of man, of individual and isolated thoughts.

The present question—but which we think will soon be decided—is between M. Lamartine and those who think with us that the mission of the poetic art is identical with that of the social world, and that the former ought to be improved and enlarged so as to keep pace with the moral improvement and advance of the latter. It is a question between two definitions of Poetry, one of which may be given in the words of M. Lamartine, "*La poësie est un chant intérieur,*" and the other in the words of an extraordinary man, who, nearly three centuries ago, said it was

> "The prophetic soul
> Of the wide world dreaming on things to come."

Article VI.

British and Turkish Convention of Commerce and Navigation, presented to both Houses of Parliament, 1839.

Treaties or conventions of commerce have been considered as contracts by which one nation endeavours to obtain an advantage over another. If the true principles of trade were clearly understood and generally adopted, treaties for regulating international commerce would become useless. The spirit of such conventions between one nation and another distinctly conveys the meaning, that some others than the contracting states are placed upon a less favourable understanding; while all show the restrictions which commercial legislation has in every country, Turkey not excepted, imposed on industry, trade, enterprise and intercourse.

Turkey, unlike other nations, imposed no burdens or prohibitions on the importation of foreign commodities. Her commercial legislation was directed to prevent the sending out of her dominions the produce of her own soil, industry and skill. The Porte had however, in various instances, abandoned this absurd, and to her finances as well as industry most deteriorating system; for, although her treasury received something approaching to a regular and certain revenue, from taxes raised in her perhaps too-highly extolled municipalities, and from the tributes exacted from her vassals, yet her embarrassed finances and the real causes which forced her to debase her metallic and only currency, have arisen from numerous restrictions imposed on internal trade and the exportation of her commodities.

To alter fundamental laws or regulations which seriously affected the fiscal administration and revenues of a vast empire, consisting of numerous states and peopled by several races, variously governed and taxed, necessarily formed a change of grave magnitude, requiring full and clear intelligence, great financial activity and sound judgment. How ably, or how unskilfully, those powers have been exercised during the negotiations which have led to the conclusion of the convention now before us, it is not our purpose to enter upon, further than we may necessarily be led in the course of our inquiry

as to the practical application of its provisions, under the existing local circumstances, and administrations of the numerous divisions and governments of the Turkish empire.

If the qualifications necessary for the negotiation of a good commercial treaty, as sketched in a pamphlet, attributed to Mr. Eden, in 1787, could ever be possessed by any one man, or even by several men, and if such good treaty be pronounced "a masterpiece of skill," great allowances may be made for those who have negotiated treaties with the government of an empire like Turkey, in which manifold and peculiar difficulties of long standing prevail; but at the same time such negotiations ought never to be entrusted to any but men of first-rate intelligence, skill and judgment.

In negotiating a treaty with Turkey, it was essentially necessary to possess a clear knowledge of the local circumstances and condition of the several administrations and divisions of the empire, and in a political as well as material view, to promote or establish measures which, without taxing highly either commerce or property, would improve and secure the financial state of the Turkish revenue.

As far as Constantinople with Roumelia and part of Asia Minor are concerned, the present Convention may be considered as practical in its provisions and stipulations; but all the knowledge we have, with considerable pains, been enabled to collect respecting Egypt, Syria, Tripoli, Tunis, and especially the Danubian principalities, leads us to the conclusion, that the sixth and seventh articles will be found impracticable in their application to the condition and usages of those most important countries.

Before remarking further we will insert the Convention with the additional articles, viz:

"Article I.—All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing capitulations and treaties, are confirmed now and for ever, except in as far as they may be specifically altered by the present Convention: and it is moreover expressly stipulated that all rights, privileges, and immunities which the Sublime Porte now grants, or may hereafter grant, to the ships and subjects of any other foreign power, or which it may suffer the ships and subjects of any other foreign power to enjoy, shall be equally granted to, and exercised and enjoyed by the subjects and ships of Great Britain.

"Article II.—The subjects of Her Britannic Majesty, or their agents,

shall be permitted to purchase at all places in the Ottoman dominions (whether for the purposes of internal trade or exportation) all articles without any exception whatever, the produce, growth, or manufacture of the said dominions; and the Sublime Porte formally engages to abolish all monopolies of agricultural produce, or of any other articles whatsoever, as well as all *permits* from the local governors, either for the purchase of any article, or for its removal from one place to another when purchased; and any attempt to compel the subjects of Her Britannic Majesty to receive such *permits* from the local governors shall be considered as an infraction of treaties, and the Sublime Porte shall immediately punish with severity any vizier or other officers who shall have been guilty of such misconduct, and render full justice to British subjects for all injuries or losses which they may duly prove themselves to have suffered.

"Article III.—If any article of Turkish produce, growth, or manufacture, be purchased by the British merchant or his agent for the purpose of selling the same for internal consumption in Turkey, the British merchant or his agent shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid, in similar circumstances, by the most favoured class of Turkish subjects engaged in the internal trade of Turkey, whether Mussulmans or Rayahs.

"Article IV.—If any article of Turkish produce, growth, or manufacture, be purchased for exportation, the same shall be conveyed by the British merchant or his agent, free of any kind of charge or duty whatsoever, to a convenient place of shipment, on its entry into which it shall be liable to one fixed duty of nine per cent., *ad valorem*, in lieu of all other interior duties.

"Subsequently, on exportation, the duty of three per cent., as established and existing at present, shall be paid. But all articles bought in the shipping ports for exportation, and which have already paid the interior duty at entering into the same, will only pay the three per cent. export duty.

"Article V.—The regulations under which firmans are issued to British merchant vessels for passing the Dardanelles and the Bosphorus, shall be so framed as to occasion to such vessels the least possible delay.

"Article VI.—It is agreed by the Turkish government that the regulations established in the present Convention, shall be general throughout the Turkish Empire, whether in Turkey in Europe or Turkey in Asia, in Egypt, or other African possessions belonging to the Sublime Porte, and shall be applicable to all the subjects, whatever their description, of the Ottoman dominions: and the Turkish government also agrees not to object to other foreign powers settling their trade upon the basis of this present Convention.

"Article VII.—It having been the custom of Great Britain and the Sublime Porte, with a view to prevent all difficulties and delay in estimating the value of articles imported into the Turkish dominions, or exported therefrom by British subjects, to appoint at intervals of fourteen years, a commission of men well acquainted with the traffic of both countries,

who have fixed by a tariff the sum of money in the coin of the Grand Seignior, which should be paid as duty on each article; and the term of fourteen years, during which the last adjustment of the said tariff was to remain in force, having expired, the high contracting parties have agreed to name, conjointly, fresh commissioners to name and determine the amount in money which is paid by British subjects, as the duty of three per cent. upon the value of all commodities imported and exported by them; and the said commissioners shall establish an equitable arrangement for estimating the interior duties which, by the present treaty, are established on Turkish goods to be exported, and shall also determine on the places of shipment where it may be most convenient that such duties should be levied.

"The new tariff thus established, to be in force for seven years after it has been fixed, at the end of which time it shall be in the power of either of the parties to demand a revision of that tariff; but if no such demand be made on either side, within the six months after the end of the first seven years, then the tariff shall remain in force for seven years more, reckoned from the end of the preceding seven years; and so it shall be at the end of each successive period of seven years.

Additional Articles.

"Certain difficulties having arisen between the ambassador of Her Britannic Majesty and the plenipotentiaries of the Sublime Porte, in fixing the new conditions which should regulate the commerce in British goods imported into the Turkish dominions, or passing through the same in transit, the Articles in question were afterwards agreed to.

"Article I.—All articles, being the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland and its dependencies, and all merchandise of whatsoever description embarked in British vessels, and being the property of British subjects, or being brought overland or by sea from other countries by the same, shall be admitted, as heretofore, into all parts of the Ottoman dominion without exception, on the payment of 3 per cent. duty, calculated upon the value of such articles.

"And in lieu of all other and interior duties, whether levied on the purchaser or seller, to which these articles are at present subject, it is agreed that the importer, after receiving his goods, shall pay, if he sells them at the place of reception, or if he send them thence to be sold elsewhere in the interior of the Turkish empire, one fixed duty of 2 per cent., after which such goods may be sold and re-sold in the interior, or exported, without any further duty whatsoever being levied or demanded on them.

"But all goods that have paid the 3 per cent. import duty at one port, shall be sent to another free of any further duty; and it is only when sold there, or transmitted thence into the interior, that the second duty shall be paid.

"It is always understood that Her Majesty's Government do not pre-

tend, either by this Article or any other in the present treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude, in any manner, the Ottoman Government from the exercise of its rights of internal administration, where the exercise of those rights does not evidently infringe upon the privileges accorded by ancient treaties, or the present treaty, to British merchandise or British subjects.

"Article II.—All foreign goods brought into Turkey from other countries, shall be freely purchased and traded in, in any manner, by the subjects of Her Britannic Majesty, or the agents of the same, at any place in the Ottoman dominions; and if such foreign goods have paid no other duty than the duty paid on importation, then the British subject or his agent shall be able to purchase such foreign goods on paying the extra duty of 2 per cent., which he will have to pay on the sale of his own imported goods, or on their transmission for sale into the interior, and after that such foreign goods shall be re-sold in the interior, or exported without further duty: or should such foreign goods have already paid the amount of the two duties (*i. e.* the import duty and the one fixed interior duty), then they shall be purchased by the British subject or his agent, and afterwards re-sold or exported, without being ever submitted to any further duty.

"Article III.—No charge whatsoever shall be made upon British goods (such being the growth, produce, or manufacture of the United Kingdom or its dependencies, or the growth, produce, or manufacture of any foreign country, and charged in British vessels and belonging to British subjects,) passing through the Straits of the Dardanelles, of the Bosphorus, and of the Black Sea, whether such goods shall pass those Straits in the ships that brought them, or are transhipped in those Straits, or, destined to be sold elsewhere, are landed with a view to their being transferred to other vessels (and thus to proceed on their voyage,) within a reasonable time.

"All merchandise imported into Turkey for the purpose of being transmitted to other countries, or which, remaining in the hands of the importer, shall be transmitted by him for sale to other countries, shall only pay the duty of 3 per cent., paid on importation, and no other duty whatsoever."

In the Treaty of Peace, signed 5th January 1809, at the Castle of the Dardanelles, the Commercial Articles are,

"5th. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flags, subjects, and merchants of the Sublime Porte, which may hereafter frequent the dominions of His Britannic Majesty for the purposes of commerce.

"6th. The last custom-house tariff established at Constantinople at the ancient rate of 3 *per cent., and particularly the Article relating to interior*

commerce, shall continue to be observed as they are at present, and to which England promises to conform *."

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* The following preliminary Articles of Capitulation and Peace, concluded at the Dardanelles in 1809, still apply to the regulation of Turkish commerce, in elucidation of which we are under the necessity of inserting them:

"Sultan Mehemed,
May he live for ever!

"Let every thing be observed in conformity to these capitulations, and contrary thereto let nothing be done.

"1. The English nation and merchants, and all other merchants sailing under the English flag, with their vessels and merchandise of all descriptions, may pass safely by sea, and go and come into our dominions, without any the least prejudice or molestation being given to their persons, property, or effects, by any person whatsoever, but they shall be left in the undisturbed enjoyment of their privileges, and be at liberty to attend to their affairs.

"2. If any of the English, coming into our dominions by land, be molested or detained, such persons shall be instantly released without any further obstruction being given to them.

"3. English vessels entering the ports and harbours of our dominions, shall and may at all times safely and securely abide and remain therein, and at their free will and pleasure depart therefrom without any opposition or hindrance from any one.

"4. If it shall happen that any of their ships suffer by stress of weather, and be not provided with necessary stores and requisites, they shall be assisted by all who happen to be present, whether the crews of our imperial ships, or others, both by sea and land.

"5. Being come into the ports and harbours of our dominions, they shall and may be at liberty to purchase at their pleasure, with their own money, provisions and all other necessary articles, and to provide themselves with water, without interruption or hindrance from any one.

"6. If any of their ships be wrecked upon any of the coasts of our dominions, all beys, cadis, governors, commandants, and others our servants who may be near or present, shall give them all help, protection, and assistance, and restore to them whatsoever goods and effects may be driven ashore; and in the event of any plunder being committed, they shall make diligent search and inquiry to find out the property, which, when recovered, shall be wholly restored by them.

"7. The merchants, interpreters, bankers, and others, of the said nation, shall and may, both by sea and land, come into our dominions, and there trade with the most perfect security; and in coming and going, neither they nor their attendants shall receive any the least obstruction, molestation, or injury, either in their persons or property, from the beys, cadis, sea captains, soldiers, and others our slaves.

"21. Duties shall not be demanded or taken of the English, or the merchants sailing under the flag of that nation, on any paistres or sequins they may import into our sacred dominions, or on those they may transport to any other place.

"36. English merchants, and all others sailing under their flag, may freely and unrestrictedly trade and purchase all sorts of merchandise, (prohibited commodities alone excepted,) and convey them either by land or sea, or by way of the river *Tanais* to the countries of *Muscovy* or *Russia*, and bring back their other merchandise into our sacred dominions for purposes of traffic, and also transport others to Persia and other conquered countries.

"40. On their ships arriving at any port, and landing their goods, they may, after having paid their duties, safely and securely depart without experiencing any molestation.

"41. English ships bound to Constantinople, Alexandria, Tripoli of Syria, Scanderoon, or other ports of our sacred dominions, shall in future be bound to pay duties, according to custom, on such goods only as they shall, of their own free will, land with a view to sale; and for such merchandise as they shall not

Before examining the effect which the stipulations of the recent treaty may have, in practice or execution, on the commerce of Turkey, it will be necessary to state briefly the operations of trade under the former policy. Instead of prohibitions on the importation of foreign commodities, or of imposing duties equal to prohibition, in imitation of France, Austria, and, in many instances, of England and other countries, the Turkish government, in wisdom, tolerance and hospitality, opened its ports and dominions to the people and merchandise of all countries,—a small *ad valorem* duty of 3 per cent., and a moderate anchorage charge on ships, being the only tax or restriction imposed, from the reign of Suleyman the Magnificent to the present time, a period of more than 300 years. But though the commodities of other countries thus found easy ingress to, and generally ready markets in, the Turkish empire, yet the commercial system of the Porte, especially in regard to the produce of her own soil, was narrow, impolitic and unjust. Turkish subjects were chiefly either cultivators of the soil or pastoral races, yet the policy of the government was to prevent the exportation of all the products which were considered essential to the sustenance of life. While this restriction, with the view of securing abundance of food, paralyzed agricultural industry by limiting the natural market, the cultivator of the soil was subjected at the same time to insecurity and tyranny by the collectors of the revenue,—the corrupt *employés* of pashas, or local governors, the latter being, for fiscal, military or administrative purposes, invested, as agents of the Sultan, with despotic power. Monopolies of trading, not only in the commodities which were allowed to be exported, but in the corn and other articles

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discharge, no duty shall be demanded, neither shall the least molestation or hindrance be given to them.

"44. English and other merchants navigating under their flag, who trade to Aleppo, shall pay such duties on the silks brought and laden by them on board their ships, as are paid by the French and Venetians, and not one asper more.

"70. English ships coming to the ports of Constantinople, Alexandria, Cyprus, Smyrna, and other ports of our sacred dominions, shall pay 300 aspers for anchorage duty, without an asper more being demanded of them.

"75. That it being represented to us that English merchants have been accustomed hitherto to pay no custom or scale duty, either on the silks bought by them at Brussa and Constantinople, or on those which come from Persia and Georgia, and are purchased by them at Smyrna from the Armenians; if such usage or custom really exists, and the same be not prejudicial to the empire, such duty shall not be paid in future."

of food which were purchased in the provinces, in order to be conveyed to the capital or to the principal towns, were granted to government agents or privileged persons, on their paying certain fines or duties to the treasury.

These exactions were exceedingly vexatious and arbitrary. The policy of the Turkish government being *not to borrow money*, whenever the public income was not sufficient to meet the expenditure, which often occurred, two chief expedients were resorted to: 1st, debasing the coin; 2nd, increasing the exactions from the agents of the Porte, who extorted the sum wanted from the people; the burden falling chiefly on the cultivators of the soil, and in the towns on those engaged in manufactures. Whole towns and villages have frequently been ruined by these contingent extortions, beginning with those exacted by the Porte from the governors of provinces, and thence downwards by the pasha and the inferior agents, from towns, villages, and the simple cultivators of the soil. In short, were it not for the free intercourse with foreign countries and the relief afforded under the municipalities, which still preserve much of their original excellence, the corrupt and tyrannical *fiscal* administration of the interior would have utterly ruined the empire.

Owing to the pernicious system alluded to and the prohibitions as to exportation, the import trade of Constantinople, though considerable, has hitherto been much limited, while the exports have been comparatively of small value, and confined chiefly to wool, silks, carpets, goats' hair and wax; bullion and diamonds making up the difference in payment for the goods imported,—the latter being woollens, cottons and hardware, to a very considerable amount, from England; sugar and coffee from the West Indies and Brazils, in which trade American ships have been far more extensively engaged than those of England. Jewellery, clocks, watches, &c., chiefly from France, and by Trieste and the Danube from Vienna. Printed cottons, chiefly those termed Turkey reds, have also, for several years, been extensively imported from the Austrian dominions.

Ships have seldom found return cargoes at Constantinople, although no port in the world can naturally be more favourably situated for a general entrepôt. This has been caused

by the folly of the Porte in regard to the export trade, and during late years by the regulations and tariff of Russia restricting the commerce and intercourse with the Black Sea.

Lately, however, wool and hair, imported in the first instance chiefly from the principalities and Asia Minor, have formed export articles of considerable value. Previous to 1831, no wool was imported into England from Turkey. Since that period, the quantity imported from Turkey and also from Russia (chiefly from Odessa) has greatly increased, as will appear from the following statement.

Years.	Russia.	Turkey.	Tripoli, Barbary, and Morocco.
1831	lbs. 263·920	lbs. 11·447	lbs. ——
1832	855·680	17·992	14·465
1833	1·380·823	361·591	105·689
1834	3·107·957	1·474·522	1·977·816
1835	4·024·740	1·281·839	816·625
1836	5·414·913	2·473·028	791·816
1837	6·114·945	2·277·775	128·323
1838	3·769·102	762·018*	511·426

The legal duty on articles allowed to be exported was formerly fixed at 3 per cent., but the exactions of agents and farmers of purchases, often imposed, especially in Roumelia, and even in the principalities, from 10 to 15 per cent. on commodities purchased for exportation. This formed one of the chief evils which were complained of by the *Frank merchants.*

Macedonia, a country greatly neglected, but rich in commercial resources, having Salonica, with a population of more than 70,000 inhabitants, for an outport, was never so much restricted in her export trade as Roumelia. Raw cotton, tobacco, sheep's wool of very fine quality, wheat, barley, Indian corn and raw silk have long been exported in large quantities to various countries,—the Greeks being chiefly those who have carried on the trade of Salonica and the interior country.

In Albania, from the nature and position of the country and the character of the inhabitants, it was found almost impos-

* The decrease of importation in 1838 of wool from Turkey seems unaccountable, unless its export may have been affected by the difficulties of the government.

sible to prevent an export trade, which with the importation of foreign commodities has been carried on in small vessels by the inhabitants of the country, chiefly with Trieste, Venice, and Corfu, by the port of Scutari; yet this trade has been crippled by various exactions and the want of good harbours along the coast.

With respect to Smyrna, as the chief outlet for the produce of Asia Minor, the duties on exports have not been complained of, and did not exceed 3 per cent. until the government monopolized the silk and opium trade, first, by fixing the price which the government agents were to pay, and then forcing it to be shipped for sale and re-exportation to Constantinople, where, on being shipped to foreign countries, 10 per cent. duty was exacted.

Broussa, in Asia Minor, a few miles south-east of the sea of Marmora, has within the last few years become a great depôt for the silk of the interior, but it was likewise subjected to the monopoly and sent to Constantinople. A British consul has lately been appointed to Broussa.

In Egypt and Syria, and the Sheriffat of Mecca, the whole trade has been monopolized by their ruler Mehemet Ali. Cultivation, manufactures and commerce have all been seized by him; any disputing of his authority, as to exaction of taxes, payment of the prices at which he, as the general merchant of those territories, purchases, as well as sells commodities, is severely punished by death or mutilation. The cruelties inflicted by this active and able tyrant are almost incredible. In regard to sales, he as late as last year nearly ruined those who imported goods from foreign countries by refusing to sell them his cotton, except at higher prices than the article would bring in the markets of Europe; and instead of selling the vast stock he had on hand in the country, he shipped it, on his own account, with considerable loss, to Trieste, Genoa, Marseilles, &c.

With regard to Tunis and Tripoli, countries through which a commercial intercourse might be opened with the interior of Africa, trade has been in like manner generally embarrassed and restricted by the vicious administrations of the Turkish governors.

We now come to the principalities, forming that vast and

fertile region comprehending the basin of the Danube, and lying between the Balkan and the frontiers of the Austrian and Russian dominions. The commerce of these countries, in early ages of vast importance, especially the export trade, has nearly at all times been restricted to little value under the Turkish rule. All exportation but to Constantinople was prohibited, except that of wool, hare skins, and berries; the revenues and administration at the same time having been, it may be said, farmed out to avaricious and tyrannical governors, of Greek (Fanariote) birth or race. The inhabitants, chiefly of Sclavonic origin and nearly all professing the Greek religion, were naturally separated in their social position from the Moslems, whose arbitrary government was often moderated by the intervention of Russia; yet the people of the Principalities were never inclined to become subject to, although their country has more than once been overrun by, and in the occupation of the latter. In Wallachia and Moldavia we hear the people even say, and with truth too, that such and such improvements have been made when the country was occupied by Russia. The latter having, as we have stated in a late number, possessed herself of all the navigable channels and the Delta of the Danube by the treaty of Adrianople, now commands, and may, under the form of quarantine or other pretext, close this great natural artery of European commercial navigation, and has thus, at the same time, further crippled the trade of those extensive provinces. Russia has also, through the agency of the Greek religion, and the offers of parental protection, for a long time been endeavouring to win the affections of the inhabitants of the Principalities. That she has been to a great degree successful there is little doubt; nor is this surprising, when neither Austria nor England has ever come forward to protect or encourage those at all times most harassed of Ottoman subjects.

Turkey being an empire of nations, and not one nation, and the corrupt administration of her provincial governments and agents having vitiated her municipal system and the freedom extended to trade, it may be satisfactory, before we notice the changes contemplated in her commercial system by the recent treaty, to state the estimated population, and to show briefly the great commercial resources of this empire, and the importance of extending a trade to supply her varied popula-

tion with the commodities which England can advantageously furnish.

It is not possible to ascertain, with any certainty, the population of the Turkish empire; from various estimates we take the following:

The population of European Turkey, not including Greece, may be estimated at not more than	10,000,000
Of which those of Mahomedan religion may be considered under	4,000,000
The principalities of Wallachia, Moldavia, Bulgaria, Servia and Bosnia contain a population of about	2,500,000
Of these four-fifths are of Sclavonian, Roman, or Greek origin, and profess the Greek religion.	

Asiatic Turkey includes twenty Eyalets or governments, with the following great divisions, the populations of which are vaguely estimated at

Asia Minor	480,000
Armenia and Georgia	365,000
Kurdistan, Druses, &c.	175,000
Mesopotamia	430,000
Syria	680,000
Sheriffat of Mecca and Medina, about . . .	220,000
Total	2,350,000

This computation appears incredibly small for such extensive regions; and so utterly ignorant are most Europeans of the state of those naturally rich and important territories, that we have heard men of judgment and observation, who had visited Syria and Asia Minor, say that the population of Turkey in Asia could not exceed six millions, nor be under three millions. Balbi again, without giving any authority, states the number at 12,500,000.

In Africa the estimated population, under Turkish dominion, is given as follows:

Tunis.	1,800,000
Tripoli	660,000
Magreb, &c.	100,000
Egypt, including Candia, about	2,000,000
Nearly all Mohamedans	4,560,000
Chief exception about 80,000 Copts.	

These estimates would give to European Turkey	10,000,000
Asiatic Turkey, say	3,000,000
African tributaries, including Egypt, &c. .	4,560,000
Total . . .	17,560,000

In regard to the adhesion of these populations to the empire, the following can only be considered, in the most favourable light for the Sultan, as merely tributary, viz.

Egypt, including Tripoli, Tunis, &c. . .	4,560,000
Syria	680,000
Sheriffat of Mecca and Medina	220,000
Danubian principalities	2,000,000
Total tributary . . .	7,060,000
There remain, total subjects	10,500,000
Of which the Mahomedans are probably not more than	5,000,000

When we consider that Egypt and Syria and the Holy Cities are in the possession of Mehemet Ali, that the Principalities scarcely more than acknowledge the sovereignty of the Porte, and the loose subjection of Tunis, Tripoli, &c., we cannot but conclude, that unless the Sultan has far stronger authority over his Christian subjects than we are generally informed he has, and as his power as Caliph and first Imaum of Islamism is reduced to at most his sovereignty over five millions of Mohamedan subjects, his empire can, hereafter, only be preserved by the great material and political interests of England, Austria, and Turkey, which would be destroyed by the dismemberment of the latter empire.

The commercial resources of Turkey in Europe are themselves of very great value, if the exportation of her productions be hereafter as unrestricted as the freedom of importation has been. Corn, wool, silk, cotton, timber, flax, hemp, tallow, wax, dye stuffs, and numerous other articles, she can furnish in great abundance, in exchange for the commodities of foreign nations. Her Asiatic and African countries are naturally as rich, if not more so, than the European states. All have their respective advantages and resources; and it is only by connecting her material and political interests reciprocally with those of other friendly great powers who can have no view

to breaking up the integrity of her empire, that Turkey can have any hope of existence among the Great Powers of Europe.

These conclusions lead us to consider the practical effects likely to be produced by the treaty recently concluded with the Porte, and how far its stipulations are applicable to the various nations of the empire. From the abuses under the old system, especially the exactions of the government agents, and the restriction on exportation, the just and uncorrupt application of the second, fourth, and sixth articles to all Turkey in Europe south of the Balkan, and to Asia Minor, must be of great advantage to Turkish trade, and especially to British commerce.

In regard to Tripoli and Tunis, we have been lately informed that the strict application of the treaty would enable England to open with those countries a most advantageous trade, and through them with the interior of Africa; as British subjects and their agents may, under the treaty, proceed inland to meet the caravans, and sell great quantities of British wares, in exchange for ivory, gold dust, ostrich feathers, skins, oil, &c. We are also informed that an adventurous, active extension of our trade with Tunis, Tripoli, and the interior country, would soon neutralize a rapidly-growing influence which the French have acquired in those states.

The first great obstacle to the application of the treaty, is the authority and power of Mehemet Ali. He has not, we believe, openly declared that he will not submit to its provisions, and abolish his monopolies; he has rather given the Porte and the consuls of European powers a promise that he would do so, and submit to the arrangements agreed to by the Sultan; but the great object of his ambition,—the hereditary government of Egypt, Syria and the country of the Holy Cities, being secured to his family,—is at variance with the abolishing those monopolies, which enable him to maintain armies that have hitherto supported his authority, and prepare him for contests with the Sultan's forces.

He would, we believe, abolish his monopolies, on a condition to which England can only assent by the dismemberment of the Ottoman empire,—that of the full sovereign independence of Egypt, Syria, and Arabia; but taking all circumstances into deliberate consideration, we do not see the

probability of the treaty being commercially practical in Egypt and Syria. *Whatever Russia or France may pretend, as to their anxiety to maintain the integrity of the Ottoman empire, we are convinced that its dismemberment enters fully into the spirit of their political designs.* They weigh and balance circumstances; they observe the decline of the Sultan's authority and the extension of the power of Mehemet Ali; the decrease of the Mussulman population; and the increase, in numbers as well as in energy, of those of the Greek and Armenian faith. The influence of France in Egypt is evident; that of Frenchmen in the Pasha's service, especially in his navy, remarkably so. France may pretend to the contrary; but she neither wishes the Pasha to give up his monopolies, nor to become more submissive to the Sultan than he has been; still the time may not have yet arrived, when France would actually desire the independence of Egypt, Syria, and Arabia. It would be more in accordance with the views of France, if a dismemberment of the empire should be the result of feebleness at the Porte, which would occasion the provinces, as members of the body, to fall off, not in a healthy, vigorous state, but in a disordered condition, which would leave them no alternative but submitting, according to their position and circumstances, to the sovereignty of such power as could most dexterously or vigorously manage to acquire dominion over them.

The ambitious policy of acquiring Egypt and Candia has long entered into the cherished views of France, to establish her preponderance, as a power, over Europe. In the history of diplomacy we cannot fail to remark, on her part, the design of acquiring this preponderance, and on the part of England and Austria, that of maintaining the balance of European power.

The celebrated Leibnitz drew up, by special request, for Louis the Fourteenth, a memoir elucidating the means by which the *Grand Monarque* would acquire and maintain such preponderance over Europe*. Conquering and possessing Egypt and Candia entered prominently into this design, which was afterwards not forgotten in the ambitious views of Napoleon; nor has it, any more than the extending French sove-

* The substance of this memoir (the original is in Latin) was published as one of many political tracts of the time, in 1802, by Hatchard, Piccadilly.

reignty to the whole left bank of the Rhine as far as the sea, vanished from the present designs and hopes of France.

These are the views of the French nation, whether France be ruled over by a legitimate sovereign, a citizen king, or a republican conqueror. Were Egypt and Candia independent of the Porte, a pretext for invasion would soon arise; nothing so easy as to provoke an insult towards the person of a French consul, and then for France to act according to the precedent of invading Algiers under Charles the Tenth, and blockading Mexico under Louis Philippe. The leading views for some weeks past of the Journal des Débats, the government organ, are alone evidence of what we state. Russia meantime will most likely wait pacifically the events which may attend and succeed hostility between the Sultan and Mehemet Ali. Her agents will intrigue to enfeeble the Ottoman authority over not only Christian but Mohamedan subjects; and whatever Russia may hold forth to England and Austria, the only two great powers who have all-important reasons for maintaining the integrity of the Ottoman empire, yet the present aspect of Eastern affairs is viewed with satisfaction by the cabinet of St. Petersburgh, as the certain immediate elements of those internal convulsions which dissolve empires, which, like Turkey, comprise several nations, races, and religions.

Mehemet Ali is confident in his strength, resources, activity,—in the organization of his army and navy,—and in his authority over Mussulmen by the possession of "the Holy Cities." Sultan Mahmoud could no longer remain inactive or degraded enough to witness "His Sacred Rights as Caliph "and First Imaun of Islamism, and the administration of the "holy cities of Mecca and Medina, usurped by a rebellious "vassal." Mahmoud referred to the Mohamedan lawyers or to his chief astrologer; they said, "Take up arms, and trust to God and the Prophet!" Will Russia interfere to mediate a peace, or to prevent hostilities? Not until her hour is come. Not until the day when, either from the *collision* of the fleets in the Levant or Bosphorus, or of the armies on the plains of Syria, another "untoward event" may be the consequence, which will, under whatever pretext, enfeeble and not extend the power of the Sultan.

England and Austria alone *ought*, and *can* at once, and without war, by energetic interference, put an end to the as-

sumptions of the Pasha of Egypt, and prevent the consequences of a war, which in all likelihood would be irretrievably disastrous to Austria, and scarcely less so to British power in the East. Exclusive of far greater considerations, until an understanding of permanent tranquillity is established *under the Sultan* in Egypt and Syria, the practical application to those countries of the provisions of the recent Convention of Commerce between England and Turkey, however desirable and advantageous to British trade, will be found impossible. There are also other and most important countries comprised within the general stipulations of this Convention, to which their application, if possible, would be highly impolitic. Those are the regions through which the Danube flows, from the Austrian dominions to the Black Sea.

This Convention, in other respects so important to British trade, that is, if faithfully regarded by the Turkish official agents, has been concluded with apparent ignorance of the vast political and commercial value of the Principalities. This ignorance is to be deplored: we cannot attribute it to a wilful neglect of providing for the political as well as local circumstances which embarrass the trade and navigation of the Danube, and with the countries through which that river and its magnificent tributaries flow.

This improvidence is, saying the least, a most lamentable oversight, but we trust not, even at this late hour, without a remedy; that is, if England and Austria will energetically carry into execution the principle and spirit of the Treaty of 1838 between both countries, the 3rd and 4th Articles of which have been evidently agreed to with most extended views of the high political as well as commercial interests of the contracting States.

We have, in our numbers for January and April last, adverted so fully to the Austrian Treaty, and to the present state of Wallachia and Moldavia, that we can add but little to the subject here, further than to show the necessity of the stipulations of that Treaty in regard to the Danube being carried into practical effect, *by a defined Convention for that purpose between England, Austria and Turkey, such Convention being imperatively demanded by the political and material interests, and security of those provinces;* and, further,

to show that the provisions of the recent Treaty cannot with justice or sound policy be extended to the Principalities.

When Wallachia and Moldavia, after Poland for the first time wanted power to protect them, became in 1593 tributary to Bajazet Ilderim, it was expressly stipulated in the *hati-humaioum* or Treaty, "*That the country should be governed by its existing laws; that the Prince of Wallachia should have full liberty to declare war against his neighbours, and to make peace with them, when it should appear best to him; that the Prince should be chosen from the Christians by the Metropolitan and Boyards, and possess the right, as reigning Prince, of life and death over his subjects,—the Prince agreeing to pay for protection and Suzeraineté,* 2000 *ducats annual tribute to the Sublime Porte.*"

When Poland, after desperate wars against Turkey, finally ceased, in 1621, to have sovereignty over these provinces, the latter continued in like manner to be governed by their own laws and princes, though often most tyrannically exposed to the exactions and brutality of the Ottoman Government, especially after the Porte forced upon them the odious government of Fanariote Greeks, who, in extorting money to enrich themselves, and to bribe the favourites who had most influence with the seraglio, violated every principle of justice, and the most sacred *hati-humaioums* or treaties which bound the Sultan to observe his obligations to the provinces.

Meanwhile Russia, rapidly extending her empire and authority southwards, and preparatory to her wars with Turkey, intrigued, chiefly through the agency of religious missionaries, to provoke rebellion in all those provinces in which the Greek Faith prevailed. In consequence of those revolts, Russia, when peace was to be established, assumed a Protectorship over the Provinces, and by the several treaties with the Porte*, *stipulated on the part of Moldavia and Wallachia for the free exercise of the Greek Religion, perfect security, national and independent administration, and an entire freedom of commerce.*

Russia has ever since persevered, through her agents covertly, and when politic openly, in directing the affairs of all those provinces (subject or tributary to Turkey) in which

* See Number XVI. page 397, and Treaty of Adrianople.

the inhabitants are chiefly of the Greek religion, endeavouring to win them over from the authority of the Sultan to the *protection* of the Czar.

In Wallachia and Moldavia, the Russian Consul first, *vivâ voce,* and then by formal written declaration, protested against the right of the Constitutional Assembly, in conjunction with the Hospodar, to form a new *redaction* or reform of what was termed the *organic law,* without introducing the following clause proposed by Russia, viz.—"*Toutefois cela ne saurait avoir lieu, sans le consentement de la Cour protectrice et Suzeraine,*"—*de facto,* Russia. The Assembly did not yield, but the Hospodar, persuaded or intimidated by the Russian agent, withdrew the proposed Reform Bill. Russia also succeeded in having one of her subjects appointed to the direction of the quarantines of the Principalities, and in establishing a censorship of the press, with torture worse, if possible, than capital punishment for a breach of its laws.

In Servia, Russian influence has been eminently successful. A constitution, with something approaching to hereditary government guaranteed to the family of Prince Milosch, was given to this principality, entirely through Russian management. The intelligent consul sent by England to Belgrade, as well as those of Austria and France, have no doubt long since fully observed and reported the direction exercised by Russia; among others, even that of educating the young princes. Louis Philippe's consul will, however, assist rather than oppose the agents of the Czar.

Our own local knowledge of the country and its inhabitants, as well as the opinions of others, convince us of the folly, except it were in furtherance of Russian views, of attempting a Constitutional Government in Servia. Self-government never can be wise and practical in a country inhabited by a scattered, extremely ignorant and lawless people, consisting, it may be said, of various remnants of races, utterly ignorant of any government but that of tyrannical oppression, having escaped from the pursuit of justice into the woods and mountains,—superstitious in their religion, and when governed at all, governed only by their priests, who have chiefly become the instruments of the agents of the Czar, not only in Servia, as well as in Wallachia and Moldavia, but also in Bosnia, Mon-

tenegro, and among the Sclavonic races professing the Greek Faith in the Austrian Empire.

The Constitutional Assembly of Servia consisted therefore of men unaccustomed to, and ignorant of, legislation,—having the haughtiness of feudal chiefs, and impatient of being ruled by a man like Milosch, who had risen to power from a rank which they considered, if anything, beneath their own*. The secret impulse is no sooner given by Russia than they depose him or force him to abdicate in favour of his *Russianized son.* Such is the very late and direct intelligence we have received from Belgrade.

The Bosnians are, much in the same way, completely under the influence of Russia. The agents of the latter, frequently habited as Greek monks, (though they are seldom such in reality,) are generally intelligent officers well instructed in their missions, and visit the monasteries and churches of the provinces under religious pretences, or to examine archives. Their real business is to make themselves acquainted with the priests, to secure their influence over the people, and to ascertain the real state of feeling and the resources of the country. In this way they have long been and are even now working their way in the Danubian Principalities, and lately among the Christians of Albania, the most hardy subjects of the Porte.

The Vladnick, or Prince Bishop of Montenegro, visited St. Petersburgh three years ago. The Montenegrins are a hardy mountain race, ungovernable except by the authority of the priests of the Greek religion. Through this medium Russia has exercised successful influence. A secret treaty between the Czar and the Vladnick is known to have been concluded; and even a part of the territory of the latter is to be given up, when the fitting time arrives, to Russia.

By referring to the chart of the Adriatic, it will be seen that one of the best and most capacious harbours is within the Bocca di Cattaro: a projection of Montenegro protrudes through Dalmatia, and occupies the northern basin of this well-sheltered port. The water close to the shore is deep, and the place altogether admirably situated and adapted for a great naval Arsenal. Oak timber of the best quality abounds im-

* He could neither read nor write a few years ago.

mediately behind. It is of the same kind which has been frequently contracted for and imported by the British Admiralty from Dalmatia. This is the portion of Montenegro said to be secretly conveyed by the Vladnick to Russia, who in return promises future independence and great promotion in the Greek Church to this Prince Bishop.

We find in the designs of Russia upon other countries the most flattering professions of parental care and protection. Let a German writer, who is a Russian subject and agent*, speak. In alluding to the commerce of the Black Sea and the East, he says:—"What are the means of Russia to rival "England on this point? Security, liberty, great capital, and "that adventurous spirit which favours all commercial enter-"prises, and is indispensable to a new trade."—"Under the "protection of a government so parental and benevolent as "ours, one cannot but enjoy the most perfect security; and "in this respect all commercial enterprises in provinces sub-"jected to the domination of Russia have enormous advan-"tages over those of Turkey and Persia."

On detailing at some length the trade of the Danubian provinces, the same writer observes:—"The protecting sceptre of "Russia has even created in those provinces a formidable rival "trade to her own. All industry having been paralyzed by the "Turks, the inhabitants scarcely knew the value of their pro-"ducts. By the protective care of Russia, the political rights "of these principalities have been fixed. Administration has "assumed a regular form. The productions, which previously "were of inferior quality, will necessarily improve, as com-"merce increases. *The duties of* 3 *per cent. ad valorem* on "imports and exports are now subject to no change, and "only levied for fiscal purposes. No law restricts trade. "Each may employ his industry to the advantage of his "country, by which he will be regarded as a benefactor."

Considering all we have now stated relative to the Principalities, and having shown that the enjoyment of their own laws and the freedom of their trade has been stipulated in all the treaties between the Porte and Russia, it is evident that the extension of the stipulation of the Convention between England and Turkey which imposes a duty of 12 per cent. on all exports, from whatever part of the Sultan's dominions, will

* Hagemeister, p. 184.

be found utterly impracticable in the Principalities, even if it were just and politic, which we deny.

It is the want of intelligence respecting the legislation, or disregard in the Treaty of these politically-important and, from their commercial resources, valuable provinces, that we deplore, but which neglect we still hope admits of being efficiently provided for.

The treaty with Austria so clearly embraces the political and commercial value of the Principalities and the navigation of the Danube, that it was evidently the maturely-defined and agreed-to plan of Prince Metternich and Lord Beauvale (then Sir Frederick Lamb), to have the 3rd and 4th articles followed up and secured by a joint convention between England, Austria and Turkey.

This would have been a masterly course of straightforward diplomacy worthy of great statesmen.

The vast fertile and populous regions watered by the Danube and its tributary streams, we have noticed fully in a former number*. The valleys, plains and channels of these great arteries of intercourse and commerce, form a broad highway of civilization and trade, from west to east, across Europe to the Black Sea, to Constantinople, Asia Minor and Persia,—thus forming a chain, binding, from one to another, the material, and consequently the political interests, of probably more than 100 millions of Europeans and Asiatics.

Steam navigation and trade would carry eastward the intelligence, the merchandize, the enterprise, and the civilization of the west. Open the Danube thoroughly to the Black Sea; let trade, industry and enterprise bring forth the natural riches of the countries between the Adriatic and the Euxine, between the Balkan and the Carpathians; let the inhabitants see their material interests involved by Russia holding, or attempting to close, the mouths of the Danube against foreign navigation, and the event would prove that the power of the Czar would vanish before that of the nations inhabiting the banks of this river and its branches.

Aggressively, Russia has little in her power. *L'Empire Monstre* requires too much aliment for her internal support, to spare any for external aggression. We have obtained the

* See Number for January 1839.

following statement of what we are assured to be, in round numbers, the annual amount of the revenue of the empire; taking the average of the five years ending with 1837, and computing the silver rouble at from 2*s.* 8½*d.* to 2*s.* 9½*d.* sterling, say 2*s.* 9*d.*:—

Customs	£4,655,000
Excise on spirituous liquors	2,845,000
Commutations paid in lieu of excise on brandy	975,000
Poll-tax* (peasants)	2,655,000
——— (merchants and burghers) . . .	965,000
Revenue of crown lands	1,237,000
Revenue of salt, gold and silver mines, &c. .	875,000
Stamps and passports	1,227,500
Post-office	218,750
Average total	15,753,750

What is withdrawn out of this amount for foreign aggression, is the sum expended in presents and in supporting her diplomacy and spies in foreign countries,—*espionage* and diplomacy being the real elements of Russian aggression. This *espionage* and diplomacy is the most powerfully-organized that has ever existed,—we will not even except that of Ignatius Loyola and his successors.

In the summer of 1838 the Czar visited Germany—he had in view a voice in the Diet, as Duke of Courland; he came to Töplitz, where he met Prince Metternich and the King of Prussia; and he visited Bavaria and other German states. By the magic of presents and the fascination of his manners, he gained all but Metternich and Frederick. The first was too wary, and the latter too cold, to be won over. At Töplitz, however, Nicholas had before his arrival established his ambassador to Vienna—Tatischeff—in princely magnificence. His minister for foreign affairs, Nesselrode; his ambassador at Paris, Count Pahlen; his ambassador at Constantinople, M. Boutenieff; and about one hundred others of his diplomatic ministers, inferior agents and spies, were there assembled to meet the Emperor of all the Russias. He sat in council with them. Intelligence from all countries was brought forth and concentrated; a plan or system of future

* The poll-tax is rated as follows: Peasants, 1 silver rouble, or 2*s.* 9*d.* Burghers, 3 ditto, or 8*s.* 3*d.* Merchants, 1st class, equal to 140*l.* each. Merchants, 2nd class, equal to 35*l.* each. Merchants, 3d class, equal to 17*l.* 10*s.* each.

diplomatic action, in perfect accordance with Russian design, was organized, and then each ambassador, member, agent, or spy, separated for his appointed destination. Thus each became acquainted with the other, and departed with the views and instructions of the emperor and his minister for foreign affairs; each to act separately and in concert, in one well-understood systematized course of action.

A diplomacy and *espionage* thus organized and instructed, and at the same time highly paid, can scarcely blunder. The Cabinet and minister for foreign affairs are always confident that their instructions are not only strictly followed, but that their diplomatic agents will never commit blunders or neglect Russian interests.

Far otherwise has the diplomacy of England been managed; and from the nature of the appointments and want of unity of purpose in the members of those who have been entrusted with foreign missions, it is not surprising that blunders and neglects are frequent,—for most of which the minister for foreign affairs may personally have little accountability, while officially he may be charged with the full responsibility of ignorance and neglect of duty.

Taking up the position of an alliance of material and political interests with Austria, as bearing upon the commerce and navigation of the Danube, and our trade and power in the East, in connexion with the possible, if not probable consequences, of the hostilities between the Sultan and Mehemet Ali,—we must repeat, that the immediate following up and securing, by a convention, between England, Austria and Turkey, the material and political advantages most evidently understood by Prince Metternich and Lord Beauvale, in fixing the stipulations of the 3rd and 4th articles of the Austrian treaty, will be adopting a course of straightforward negotiation, truly worthy of great statesmen, and, if boldly and ably conducted, such as Russia can neither frustrate by intrigue, nor prevent by force.

Delay will be fatal to British and Austrian power and commerce in the East. Since the ratification of our last treaties with Austria and Turkey, a long time has been unaccountably given Russia to weaken British and Austrian influence in the Principalities and at the Porte. The *eleventh* hour hath already arrived, and if Austria and England do not

boldly unite against Russian intrigue and aggression, before the *twelfth* hath gone by, Europe and the East will in all probability be involved in a war as disastrous, if not more so to England and Austria, as those of the French Revolution and Empire.

Here we considered this article concluded; and it had gone to press before we received the intelligence of Sultan Mahmoud's death. We have also at this moment heard from St. Petersburgh, that no sooner had this, not unexpected news reached that capital, than Nicholas summoned a council, and sent off two of his most able diplomatists and courtiers,—Orloff and Ruckmann,—the one direct by Odessa, the other through Moldavia and Wallachia to Constantinople: while at the same time instructions were sent to the Russian generals in the Southern Provinces, and to the admirals of the Black Sea fleet, to be in readiness for such immediate orders as events might render necessary.

We are also assured that the instructions to Baron Ruckmann, on his passing through the Principalities, are, to *arrange for the pacific march of Russian troops, when desired by the Czar, into Wallachia and Moldavia.*

This *privilege* is stated to be in all likelihood agreed to both by Prince Ghika and the leading people of the Principalities, but more from necessity than from any wish for the protection of Russia, which they believe will, in the event of another occupation, soon place these provinces, like Bessarabia, under the absolute sovereignty of the Czar.

Meantime all the skill of Russian diplomacy is to be exerted at Constantinople to win the mind of the young Sultan over to Russian confidence and management. Presents, advances of money, flattering insinuations are to be used, and if all these should fail, naval and military demonstrations are to be made. The Cabinet of St. Petersburgh is stated to anticipate events of the greatest importance, and complete success in the part to be taken in the movements of the East.

All this intelligence is suddenly followed up by the news of actual war:

"Therapia, July 8th.

"The Porte has received intelligence that a battle has been fought in the neighbourhood of Aleppo, and that the Turkish

army has been destroyed. The wrecks of it had recrossed the frontier."

"Alexandria, July 8th.

"The Egyptians under Ibrahim Pasha have attacked the Turkish army, commanded by the Seraskier Hafiz Pasha, at Nezib, beyond Aleppo: the latter abandoned the field of battle after a combat of two hours. All the *matériel*, cannons, and muskets fell into the hands of the Egyptians."

That hostilities have commenced, and that the Turks have been defeated, with great slaughter, that their *matériel* of war is possessed by the Egyptians, there can be no doubt; but successful however as Ibrahim Pasha has been in arms, on land, the aspect of the naval power of Mehemet Ali has assumed a still more alarming position. Through no doubt more than one treacherous agency,—even treachery greater than that of the Capitan Pasha,—the *whole Turkish fleet and sailors* have gone over to the tyrant of Egypt; and we now learn that he has formally declared his determination to hold possession of that fleet and those sailors until the Sultan and the great powers of Europe acknowledge *his hereditary* SOVEREIGNTY, *in complete independence, over* EGYPT, SYRIA, *and* ARABIA.

Ever since the death of Sultan Mahmoud, anarchy, strangling and drowning, and destruction of the order and forms introduced by the late Sultan, have prevailed at the Porte.

Mehemet Ali or Ibrahim, may be even now at *Stamboul:* if so, Russia will have the pretext of protecting, or marching pacifically through the Principalities to Constantinople. That England, Austria, France, and Russia, may at once crush the power of Mehemet Ali, send back the Turkish fleet, transfer the military command and government of Syria from Ibrahim Pasha and Mehemet Ali, to the officers and government of the Porte, and restore order at Constantinople, there is no denying. But we neither trust Russia nor France; and we again repeat, that the energetic immediate union of England and Austria can alone prevent the hostilities which have commenced, and the evils which threaten from within, as well as the aggressions which menace from without, the dismemberment of the Ottoman Empire, from being *the very beginning of the beginning of the most fatal events.*

Article VII.

The State of the Nation.

1. *The Morning Chronicle Newspaper of Tuesday, May 14th, and Wednesday, May 15th,* 1839.
2. *Letter to the Electors of Stroud on the Principles of the Reform Act.* By Lord John Russell. London. Ridgway, Piccadilly. 1839.

Among all those English practices and institutions which we very properly boast to be utterly incomprehensible to all save ourselves, foreigners justly consider our party votes and party logic the most venerable and mysterious. There is, on a mere superficial review of them, something so gloriously inconsistent and incongruous,—they present so thorough-going and determined a contempt for all ordinary rules of judgment and action, that those who look upon them from afar can come to one conclusion only, viz. either that English politicians are absolutely insane,—fit for Bedlam or St. Luke's, and nothing else; or that there is some wondrous and very complicated wisdom in which they all participate, some mental freemasonry, which can only be comprehended by the initiated. Now as we really are, in the main, a good, plain, practical people; full of common sense on common occasions; very energetic, even if a little obstinate; and largely gifted with a steady, prudent selfishness, which has led to our accomplishing some great triumphs in various departments of human activity; our neighbours can only take the latter alternative, and believe that there is some peculiar logic in party, different from Aristotle's, Condillac's, Whately's, and all other conceivable logics, but still an excellent English and party logic nevertheless!

With this view, they must look upon us as having fairly outdone ourselves in the late ministerial changes. And of all others, the ten Radical members who voted with Sir Robert Peel against Ministers on the 6th of May, must seem to them absolute and quintessential incarnations of mysterious wisdom; for Sir William Molesworth, Messrs. Duncombe, Grote, Hume, Leader, and Wakley, have been among the most constant and determined opponents of Sir Robert Peel; they

have been loud denouncers both of himself and his party, on all conceivable occasions; they have all and severally declared that the principles of that party were detestable, and their practice ruinous,—their English policy, their Irish policy, their Colonial policy, founded on a false and immoral basis, and fraught with danger to the liberties and happiness of the empire, and the stability of our institutions. On these grounds they have continually voted against Sir Robert Peel, even when they had no reason to expect support from any other fraction of the House, and when they were not ashamed to form a minority, in party-language, factious, contemptible, and ridiculous. They have made it their great quarrel with the Whigs, that these leaned towards Sir Robert's principles. This has been the one grievance, daily reproduced; the one cause of complaint, repeated in every possible variety of note and key, the *téma flébile* with variations, which they have never been tired of reproducing.

And yet these gentlemen, thus honourably distinguished, now all of a sudden, out of some unexplained and inexplicable whim, choose the opportunity to fling practice, principle, consistency, and everything else behind them, and lend the aid of their votes to the man whom they very properly consider, of all our statesmen, the most politically dishonest, and the least fit to wield the destinies of this great empire.

To make the matter still more perfect, they carefully select for this manœuvre the very ground which is most rotten and hollow under their feet. Of all men who have indignantly denounced the tyrannies and oppressions of colonial governments, the iniquity of submitting the lives, property and labour of the unrepresented many to the irresponsible will of the few, these have been the most prominent. The corruption of colonial authorities has been a fertile source of remonstrance with them; nay, Sir W. Molesworth is the very person who, in impeaching Lord Glenelg before the House of Commons, proved, beyond the possibility of refutation, the atrocity of delivering large classes of our fellow-subjects over to the tender mercies of interested and distant oligarchies. We believe we do not wrong him in saying, that he has on many occasions avowed himself a disciple of that school which holds that the power of labouring is of itself pro-

perty sufficient to give every man an interest in good government, and a right to assist in its construction and maintenance,—which has also consistently and most honourably held up to merited disgrace the iniquity of the slave system. And yet here is this gentleman, backed by nine influential men of his party—by the whole party in the House of Commons, one may say,—voting with Sir Robert Peel in defence of a body which has an interest apart from, and utterly inconsistent with, the interest of the community; which not only does not represent that community of which it is a miserable minority, but represents, or rather constitutes, the tyrannical power by which the community has been oppressed; which is an interested and distant oligarchy; which would take from men now free the labour which is itself their property: finally, which does all that lies in its power to render nugatory and of no avail the Act of Emancipation that was meant to put an end for ever to the iniquities of the slave system! And wherefore has this been done? To punish the Whigs for thinking on some points with Sir Robert Peel rather than with themselves, Sir William Molesworth and his friends vote with Sir Robert Peel, who has not a single point in common with them. And Sir Robert Peel, upon the honest principle of English party-politics, accepts the votes of those who have not a single point in common with him, to get rid of others, whose great crime it is, in the eyes of his new allies, that they agree with him on more points than one.

The ministerial majority being thus reduced to five in a house of five hundred and eighty-three, Lord John Russell and Lord Melbourne respectively announce the breaking up of the administration, and the curtain falls on the first act of the political farce, to the infinite annoyance and surprise of the prime wire-puller in the puppet-show.

And what then is the expectation of the Ten—the "sacred band"? That they or theirs shall be called on to form an administration? By no means. They are not yet so absurd as that. They know the House of Commons too well to entertain any such preposterous expectation. They are well aware that the Tories—(we know of no Conservatives save those who, by improving them when necessary, do indeed preserve our institutions)—will be recalled to power: they

are certain that on principle, if not through exasperation, Lord Melbourne will counsel her Majesty to send for the Duke of Wellington or Sir Robert Peel: they know that, with a House of Commons constituted as the present is, her Majesty can send for no one else.

And what do they hope from the Tories, for resembling whom they have turned out the Whigs? What do they expect from Sir Robert or the Duke, whom they have so consistently and honourably opposed on all occasions? Either good government or bad. If good government, they show a singular facility of belief, and one for which it will be difficult to give them credit; they expect that the possession of office will suddenly wash the blackamoor white, and make an angel of light of him who has hitherto been an angel of darkness in their eyes. The magical touch of the treasury benches is to send our new Antæus forth, not only with renewed strength, but with totally different intentions as to the use and disposition of his strength. He fell down a Tory ogre, a Gogmagog; he shall arise meek—and Radical—as a lamb! The Whigs, in short, are cashiered, because, having Tory tendencies, they do not please the Council of Ten: the Tories, who are full and complete and determined in their opinions, and do not stop at tendencies, do please the Council of Ten. The Whigs went too far towards Toryism to govern well; therefore the Tories themselves, who go much farther than the Whigs, will govern admirably, and so the Tories shall come in! Or did they look for bad government from the Tories? Did they suppose that the measure of iniquity was nearly full, and wish to pour the last drop of gall into the cup? In this moment of almost revolutionary fever, this time of pikes and torches, of armed meetings and seditious harangues, have they elected to place power in hands which they trust will misuse it? Are they prepared to do this great and positive evil for the sake of a distant contingency—a possible, but not even probable good? to inflict a Tory government now upon the country, in the hope of a *coup d'état* which at some future time may seat them in the chair of power?

One of three things they must avow: either their belief that the Tories are less tory than the Whigs; or that their conduct on this memorable occasion was the result of pique

against the Whigs; or that they hoped, by restoring the Tories to office, to pave the way to their own assumption of power, even at the risk of a revolution*.

Of the absurdity of the first, and the deep wickedness of the third, we are disposed to acquit them. The second remains; and this has been openly acknowledged by various members of the party.

Hardly had the public at large become aware of the turn affairs had taken, hardly was the yet incomplete list of Sir R. Peel's ministry in general circulation, or the flags hauled down from the church steeples, which yet trembled with the echoes of Tory triumph, ere, to the astonishment of all, it was announced that Lord Melbourne was again in power! Even the gravest and most practised critics of ministerial movements were for a moment thunderstruck. The change, so sudden, so utterly unexpected, so fraught with alternations of joy and sorrow, of triumph and humiliation, was not to be accounted for. It was not Jamaica, nor was it Canada, nor Ireland, nor the Chartists, that had unseated Sir Robert. Parliament, the constitutional maker and unmaker of ministries, and which four days before had exercised its great privilege, had pronounced no condemnation against him; no public meetings had hurled their indignant remonstrances to the foot of the throne; the nation was as apathetic as if Lord Lyndhurst were not to resume his seat on the woolsack, and O'Connell had not published his declaration of war; no hostile vote had convinced the new minister that he must retire, or dissolve the House; the House had not even met:—and yet Sir Robert had resigned!

At length the cause transpired. Sir Robert Peel, not respecting the constitutional doctrine and practice, not daring or caring to trust himself in the hands of the House of Commons,—perhaps a little afraid of the "sacred band" who had placed his laurels on his head, and who, by an adverse vote on Canada, might as easily remove them,—declared himself to stand in fear, not of the House of Commons, or of his ten new friends, but of all or some of the ladies of her Majesty's

* The fourth possible avowal, viz. that they did not think even the proven evils justified the suspension of the Jamaican constitution, we expunged when they suffered Mr. Labouchere's bill to pass!

household. He consequently demanded their dismissal; a proposition which her Majesty, in a feeling and spirited manner, rejected; and the short-lived administration was at an end.

Thus much at least was revealed of the transactions. Future historians will be as little inclined to believe that this was the whole truth, as our contemporaries. So flimsy a pretext for throwing the country into confusion, for suspending the public business, for causing a ferment throughout the metropolis, and a distressing anxiety among our mercantile bodies, above all, for giving direct encouragement and daring to the armed and disaffected bodies in the north, was never recorded by history! Sir Robert Peel could not undertake to carry on the government because Lady A. and Lady B. were not allowed to take the places of Lady C. and Lady D.! The cleverest man in England; the best debater in the lower house; the soundest man of business; the keenest tactician; the most honest of statesmen; the most earnest and true of politicians; the leader of the Tories; at once the heart and mouth of the party; secure, too, of a majority, if not in the present, at least in any future House of Commons; could not carry on the public business if Lady Normanby remained in office! The powerful party, so led and marshaled, and so earnestly hungering and thirsting after the opportunity of serving their country, cannot consent to occupy the treasury benches at Westminster, so long as a few young and middle-aged ladies continue to occupy the ottomans at Buckingham House!

But it is argued, without some sweeping change in this all-dreaded department, the nation at large could never have been brought to believe that her Majesty was cordially with Sir Robert Peel. For our parts, we have all along thought, and still think, that whether the Marchioness of Normanby remain in office or not, the nation at large are like enough to believe that the Duke of Kent's daughter, educated as she has been, is not cordially with the Tory minister whom Mr. Grote and his friends forced upon her. And what of that? Does our history furnish no parallel cases? have we no record of ministries that have gone on, and gone on very well too, though the sovereign might happen not to be with them; nay, though the sovereign and the House of Lords might both

be united against them? Whether Sir Robert Peel expected a contingency of this sort, he best knows; and whether, with such a cabinet as would have commanded the support of the Tory lords, he could have demanded the confidence of the Commons. But with this the nation has nothing to do till the experiment be tried. In the mean time the ladies of the court are to bear the blame of shipwrecking the Conservative bark; blame bestowed with a freedom, and in terms which are not less than astounding, considering the exalted position of the person against whom they are chiefly leveled, and the somewhat obtrusive and ostentatious loyalty of those by whom they are uttered.

From the events themselves turn we to the account given of them by the principal actors therein. The speech made in explanation by Sir Robert Peel on the 13th of May, is a most amusing, not to say instructive, document. It is smooth, plausible, gentleman-like,—statesman-like, on such a question, it could hardly be; and it lets the uninitiated into a good deal more of the speaker's mind than is altogether usual with our practised and polished debater. On this account it has a value; and doubtless the country at large, even more than the representatives of the country, will benefit by the involuntary exposure of principles, not less than by the voluntary *exposé* of plans. Let us see what we can wring from it.

Sir Robert Peel, having reduced the Whigs to that situation in which it is usual for a ministry to resign, (and for not resigning when reduced to which, on a former occasion, his organs did most bitterly vilify the Whigs,) is sent for by the Queen, in order to take upon himself the formation of a new administration. The means by which his triumph has been achieved are a coalition between his own habitual supporters and a small knot of impracticables, his habitual opponents. The analysis of the votes on the occasion proves that no unusual proportion of his habitual supporters was absent; on the contrary, that the night of the 6th of May presented one of the fullest gatherings of the Tory forces known this session. It was not pretended that the union between himself and his Radical allies was to be a permanent one; he was far rather assured of their decided opposition on more than one point of vital importance. Sir Robert Peel was therefore

about to take office under circumstances similar to those which had compelled Lord Melbourne to quit it; with this farther difference in his disfavour, that, whereas Lord Melbourne usually had a majority, however ill compacted, of from fifteen to twenty votes, and even on the last night of his administration, despite the desertion of some of his usual supporters, still outnumbered his adversaries by five, Sir Robert must have come in with a positive majority against him, amounting to the same numbers, varying according to the circumstances of the case. On the Jamaica question, his strongest point, he was already in a minority of five; on the Irish policy, his weakest, he was met by a hostile majority of twenty-two. In fact he himself does not affect to deny this. In his speech he says:—

"Sir, I had a strong impression that it was my duty to make every effort to conduct public affairs through the intervention of the present parliament. I did not think it was desirable to follow the course taken in 1834, and commence the government by a dissolution. After the frequent dissolutions that have taken place, and the balanced state of parties, it was my deep conviction that it was my duty to make every effort, in the first instance, to conduct public affairs through the intervention of the present parliament. But what is my condition in the present parliament? I should begin the government in a minority. I did not shrink from the consciousness of such a state of things. But, if I were insensible to the importance of the crisis—to the difficulties that I or any minister must have to contend with—could I overlook this important fact, that in the House of Commons I should not commence commanding a majority? Sir, if, then, I began the administration of public affairs without the confidence of the House of Commons, could I ask for less than that I should have the demonstration of the entire and unqualified confidence of my sovereign? Her Majesty's ministers retired on the question of Jamaica, being in a majority of five. I should have had to undertake the settlement of the Jamaica question being in a minority of five, and that minority consisting of ten gentlemen on whose support I could not calculate probably on any other question which I should have occasion to bring before the house. The first conflict I should have to fight would have been on the selection of a Speaker. On the very first day that I took my seat as minister of this great country and leader of the House of Commons, I should have to risk, perhaps, the fate of government, or the question of dissolution, upon the choice of a Speaker. Sir, I say that all these considerations impressed me with the clearest conviction that it would be a public duty on my part—an indispensable public duty which I owe to the Queen—to seek for every possible demonstration that I possessed Her Majesty's entire confidence. And I do confess to you, without reserve and without hesitation, that it appeared to me that if the chief offices of the Queen's household

were to be held by the immediate relatives of those ministers whom I displaced—the relatives of my rivals for political power—it did appear to me that I never could impress the country with the conviction that I, as a minister, was possessed of the entire confidence of my sovereign. Sir, let me take that particular question on which my chief difficulty would arise. Who can conceal from himself that my difficulties were not Canada—that my difficulties were not Jamaica—that my difficulties were Ireland? I admit it, sir, fully. But what were the facts? I, undertaking to be a minister of the crown, and wishing to carry on public affairs through the intervention of the present House of Commons, in order that I might exempt the country from the agitation and possibly the peril of a dissolution—I, upon that very question of Ireland, should have begun in a minority of upwards of twenty. A majority of twenty-two had decided in favour of the policy of the Irish government."

So that a still less portion of the confidence of the House of Commons than Lord Melbourne finds it impossible to go on with, is quite sufficient for the leader of the Tories, on one condition; and that which has hitherto been looked upon as rendering it imperative upon a minister to resign, is now no bar to a minister's undertaking office, with one proviso,—that the Queen, who is as notoriously not with him as the representatives of the people are notoriously not with him, shall pretend to be what she and they are not—cordially attached to his government, and ready to make every sacrifice to uphold it! The modesty of the demand is striking; its constitutional principle, however, so much more so, that we most earnestly hope it may never pass from the memory of the people of these realms, or those whom they send to be their representatives in the lower House of Parliament.

The proposed test of power over her Majesty we pass by; she has herself rejected it with indignant spirit, and will carry along with her the congratulations of all who love decision, warm-heartedness, and strength of character, even though they may believe the exercise of these virtues on the present occasion to have been too uncompromising or premature. But the spirit that dictated its application, the political fraud attempted to be put upon the nation, and the waiters upon Providence, (with whom the Queen's name might have been made a tower of strength and a refuge, *in the event of a sudden conversion,*)—these are matters of the deepest public interest, and such as deserve to be memorable even among the bad, the pre-eminently bad records of party meanness and deception.

For this is deception: even out of the mouth of the crafty apologist himself, it is proved to be deception. Neither Sir Robert Peel nor any one of his party believed that her Majesty would cordially embrace his ministry. Even had the promise of her past life and the events of her short reign not sufficed to undeceive him, the first words she uttered on calling him to her presence can have left no doubt upon his mind. That she would nevertheless have acted loyally by him and his, no one even affected to question. The Tory premier, while he received her frank declaration that she parted from Lord Melbourne with great regret, had cause to admire her constitutional principle, and no reason to suspect her of any but the most upright and honourable intentions towards himself and the rest of her new servants. But this was not enough: the country was not to be left in possession of the truth,—that her Majesty liked her old ministry a good deal better than her new; and, as the country had been duly informed how largely and rapidly the Tories were rising in the estimation of the borough and county-constituencies, so now the borough and county-constituencies were to be informed how largely and suddenly they had risen in the favour of the Queen. The country was to be deceived: in gentler words, more plausible words, in short, Sir Robert Peel's own words, there was to be a *demonstration*, a demonstration of an untruth. No doubt, if vigorous enough, it might have been effective, even to conviction, upon some of the "weaker brethren" in the house; and, by a skilful use of it, Sir Robert Peel might at last have succeeded in showing, not only that he possessed her Majesty's unbounded confidence and favour, not only that he stood firm, despite the smiles or tears of ladies of the bedchamber, and maids of honour; but what, in a constitutional state, ought to be of somewhat higher importance, *that he had a majority in that very House of Commons in which he commenced with a minority*, and with which, under such circumstances, he might indeed congratulate himself on having made every effort to conduct the public business. The election of speaker would have been the first trial of strength, and it would have been an immediate one. As the matter stood, the new premier must have made up his mind to a defeat, or at least to a victory closely contested, and hardly gained. It is not unchari-

table to suppose, that, coupled with the alternative of a dissolution, the demonstration was relied on to prevent so awkward an event as a repulse in so important a move of the game; and supposing that, in spite of the ferment of men's minds, and the agitation which at this moment would make a general election a national mischief; supposing, we say, that Sir Robert Peel had been compelled to resort to that desperate chance of retrieving the lost move, might not good use have been made of the demonstration? would not good use have been made of the demonstration? Does any one believe that election-placards and husting-speeches would not have been full to repletion of demonstration? Or, does any one pretend to doubt that "Britons" would have been called upon, in every variety of type, large and small, to support "their lovely young queen, and the ministry of her choice!"? So that, on all counts, one might parody the famous anecdote of the orator, and say, what was the first requisite for Sir Robert Peel?—Demonstration! And the second?—Demonstration! And the third?—still Demonstration!

Those who know with what laborious and, indeed, praiseworthy energy the Tories have steadily constructed their election machinery; who know also the untiring and often most unjustifiable efforts they have made, and do make, for the securing of majorities, will fully appreciate the power of that weapon with which their leader was careful to provide himself, at all risks, and heedless at what price to others, even to that one person, attachment to whom used to be so rife a word in the lip-service of his friends and partisans. Nor will our countrymen readily forget to whom gratitude is due, for having, by the impulse of a warm heart and the exercise of a clear understanding, taken so keen an edge-tool from hands in which it might have been so mischievous.

We have said that Sir Robert Peel's speech let us into far more of the speaker's mind than he himself probably intended. One great lesson it has taught us: that the leader and representative of the Tory party, and more especially of that which claims to be the sane fraction of the Tory party, was perfectly ready to attempt to rule this country by court influence, in defiance of a hostile House of Commons,—nay, more, that he was ready to attempt this with the semblance

merely, and not the reality of that influence. If it be true that this can be done, it is high time for us to give up the troublesome farce of constitutional government! Or it proves that Sir Robert Peel counts upon so much selfish and venal feeling in the House of Commons, that, with the semblance of court influence and the reality of patronage, he can transform a hostile into a favourable majority. If it be true that this can be done, it is high time for us to adopt some means of securing more honest representatives!

It has not escaped the skirmishers in the daily and weekly journals, that there exists a discrepancy between the statements of Sir Robert Peel and those which the Duke of Wellington made on the 15th of May. This is natural, and not more than was to be expected from the men; the one statesman was as little likely to tell as the other to conceal the truth, unless something were to be gained by it. But the Duke's truth is somewhat inconvenient on this particular occasion. It amounts to no less than this; that while Sir R. Peel, for his particular ends, required a demonstration, and for the sake of it insisted upon her Majesty's dismissing all or some of her ladies, his Grace was afraid of underhand influence, and therefore cordially concurred with Sir Robert in his proposal. The difference is perhaps not very material; but the avowal serves to show how thoroughly the two leaders of the Conservative party appreciate the nature of popular and constitutional government; it will also not a little serve to enlighten our less fortunate continental neighbours as to the *modus operandi* of free institutions. Taken together, however, the explanations prove something of much more importance to ourselves,—the hollowness of that power which the Duke of Wellington and Sir Robert Peel would have raised upon the ruins of Lord Melbourne's. Assuredly, never before did party leaders condescend to accept office on so slight a tenure; never before this were such revelations, such confessions made of the weakness of their fabric. One says, "My strength is not in the country, my strength is not in "the court; the House of Commons repudiates me, her Ma-"jesty plainly tells me she has no great good will towards me; "I know not if the House of Lords will follow me—there is "reason to doubt it: but the straw at which I clutch shall be

"the shadow of a shade—the pretence that I am the favourite "of the Queen." The other says, more bluffly, but significantly enough, "Our ministry cannot maintain itself against "the underhand influence of a few ladies at court. My *sine* "*quâ non* then is, that they go." What, at last do we come at the truth? Is the Tory party, a hydra with half a dozen heads at least, so divided that it cannot furnish "a strong government?" Does it require for its existence the desperate aid of a trick, a pantomime trick,—royal pomp and jewels to the gaping spectator, canvas and tinfoil to the actor behind the scenes? And then, with its foundations so deeply laid in the unseemly slough of deception and pretence, is the fabric so frail that the hostile breath of a bedchamber-lady shall puff it away into the limbo of vanities?

Certainly these avowals do not tally well with the loud boasts made by the party both in and out of the house, but they will not be thrown away upon the country at large; in the event of an election, they may also not be altogether without effect upon those persons who, out of a modest want of confidence in their own judgment, or some motive as praiseworthy, always take care to vote with the side they think most likely to win. If the explanations have this effect indeed, we may yet have a debt of gratitude to pay to the Duke of Wellington and Sir Robert!

Whatever misunderstanding may have taken place, *and it must have been a grave one, to shut out the Tory premier altogether from even the chance of explaining himself*, we cannot hold him justified in so immediately, and, as it will appear, cravenly giving up his great stake. On this point Lord Melbourne's taunts tell home; the House of Lords responded to them; and, if the details of this petty squabble survive our own day, our children will respond to them also, in scorn of that faint-heartedness which never won fair lady, nor placed the golden prizes of ambition in hands that shrunk from them, when accident had brought them within their grasp. We may believe that those to whom the record of this ministerial *hocus pocus* shall come down, will learn this one fact with astonishment:—That the leader of a well-organized and powerful party, which has long, both publicly and privately, declared the salvation of all that is holiest and dearest in our institutions to depend

solely on their admission to power, yielded up the chance of doing this great service to his own country and to mankind, because two or three ladies were retained in office against his will!—that the leader of that party which has declared, and to the end of the chapter will declare, the continuance of the Whigs in office to be fatal to Christianity and the Church, to monarchy, to the rights of property, to the maintenance of law and order and the integrity of the empire, shrank from the post of honour, abdicated the great part of political saviour, which he had, by his own act, assumed, and pronounced against himself sentence (as we believe and hope) of perpetual exclusion from office the moment he learnt the Queen would not act a lie to please him. Nor will it be forgotten that he did this at the moment when, having overthrown the Melbourne cabinet, he was bound by every law of public honour to form one of his own; when a deep and grave responsibility rested on him,—no less than to provide for the government of a vast empire, whose movement, at one of the most critical periods of our national history, had been stopped by his act, and his alone.

We have said already that we believe no one to have been more taken by surprise at Lord Melbourne's resignation than Sir Robert Peel himself. His colleague, the Duke of Wellington, has since stated that he saw no reason why the ministry should have been broken up. For our parts we cannot see how it was to continue under the circumstances of the case, and we respect the decision which dictated the determination to resign. Yet we can almost fancy the Whig premier's humorous anticipation of his successor's difficulties, and the amusing certainty, that to retire from office himself would be to puzzle and punish his adversary at one stroke. In fact, according to all rules of party warfare, Sir Robert Peel had no right to prevent the Whigs from carrying on the government of the country unless he were prepared to form a ministry and conduct it himself. He had no right, according to his own definition of right in such matters, to *damage* a ministry by factious votes unless he were ready to fill the place from which he compelled them to retire. On this ground he was explicit enough in his reply to Lord John Russell on a former occasion. The results were indeed dif-

ferent: the Whig leader took him at his word, drove him from office, and formed an administration, which the Tory premier could not do.

From first to last, then, this has been one continued mystification, one juggle, one hollow pretence, unredeemed, save by one single trait of firmness and character,—obstinacy and wilfulness some will say, affectionate feeling none will deny.

But whatever feelings we entertain toward that exalted lady, whose personal conduct has been so honourable to herself in circumstances so painful, we cannot but deplore the occasion which has given rise to this manifestation of decision and good feeling, and grieve that she should ever have been called upon to take the step which we, nevertheless, cannot but honour her for taking. Upon a review of all the details of the case, looking at them from first to last, from the quasi-defeat of Ministers on the Jamaica Bill, to the explanations of their disappointed successors, we see nothing but matter of grave national humiliation. We confess we look with deep sorrow to the effect that must be produced abroad upon nations among whom the late vigorous indications in our foreign policy have already had the effect of somewhat raising and retrieving a sunken national character, once lofty and respected above that of any other European people. The childish, womanish pique; the mixture of knavery and folly; the confusion introduced into every branch of activity at a moment when such confusion might have had results fatal to life and property and those institutions which all parties alike affect to revere; the commercial panic; the awful rumours of change; the positive evil of uncertainty and suspense; a ministry driven from the helm; a powerful and hated party restored to it; the hopes and fears of foreign nations excited; the anxious expectations of whole peoples that look to us as the great "exemplar state" of constitutional monarchy, awakened and balked; the futurity of a vast empire and its colonies hanging on a thread;—and all this to end in a question of ladies of the bedchamber! a court intrigue in a petty German capital! a page from the history of Louis XV. or the regency!

So much for constitutional government, and the power of the Commons House of Parliament, and so much for the

handle we have given to the maligners and calumniators of free institutions throughout the world,—handle enough to call a ghastly smile upon the features of Ernest Augustus himself, and make the dry bones of Baron Gentz rattle within their coffin!

In recurring to the pitiful scenes we have witnessed, we have been compelled to deal out blame with no sparing hand. As far, however, as we have yet entered upon the question, we see no cause to extend that blame to Lord Melbourne and his friends. We differ altogether from the Duke of Wellington, and think that the Whig ministry had every reason to resign. To say nothing of the feeling which must lead honourable and high-spirited men to retire from a position where they are set up to be *damaged*—like Shrove-Tuesday-cocks, to be *shied at*,—was not the conviction of having lost all chance of governing a most important colony in what they believed the right way, sufficient motive to resign? Was not the sudden desertion of their friends, the portentous coalition between those friends and their common enemies, enough to startle a ministry from their seats? It seems to us that they could not have acted otherwise than they did, either in resigning or in resuming their offices. We lament their return to power, for their own sakes; but we cannot see how this was to be avoided under all the circumstances of the case. Different, very different indeed, would their position have been, could they have said to their contemporaries and to posterity, "We set upon one great cast the prosperity of our "colonial empire and the fate of the Emancipation Act. We "were defeated, and we laid down our power, knowing that we "had done our duty to our country, and supported by the con-"sciousness of right. The voice of the people, made known "to us through their representatives, ignorantly and unjustly "condemned us; but we were content to trust to time and "experience to reverse their verdict. Meanwhile we have acted "boldly, honestly; and, having fought well, we have fallen glo-"riously in the post of honour, in the front of battle!"

Their compelled resumption of office does not, it is true, prevent them from saying all this; but it unluckily takes off a good deal of the effect when said, and something of the ridicule which attaches to the defeated minister will cling to the

successful one also. For no one, whether friend or foe, denizen or alien, can deny that the whole affair is pre-eminently ridiculous; that it is a bitter satire on constitutional government; most mischievous, from setting a bad precedent, liable to abuse in bad hands; most dangerous, from making the weal and woe of a great nation, and the triumph or defeat of great principles, depend upon contingencies of a magnitude utterly inadequate to the interests which they affect.

One good has resulted, nevertheless, from even this collision between the parties. It has led our countrymen to look a little more narrowly into the titles of our rulers, and will eventually lead to a settlement of the terms upon which henceforward we shall consent to entrust power to their hands. The day of "government by parties" is nearly at an end. Sparring between the two aristocratical sections, the follow-my-leader game of the Sir Roberts and Lord Johns may be excellent sport for the gentle knots that congregate at Brooks's or the Carlton; but the poor and starving have neither taste nor leisure to appreciate these diversions of their betters. One by one the old defences of intolerance and exclusiveness have yielded, and at every stride the giant of popular power—call it by its right name, Democracy!—has gained new strength for the next effort, and a more advantageous starting-point for its exertion. Unless we err greatly, a stern and determined phalanx of strong, right-minded, earnest men has begun to entertain some doubts whether this *jeu de société* of our present politicians comports with the duty of legislators to whom are committed the momentous interests of our foreign and domestic policy; and the great mass heaves and throes with the coming earthquake. These men are sick at heart to watch the petty shifts, the mean, selfish manœuvres of our public men; nor will they consent to take good which is to be obtained only by evil means. But they are also determined to put an end to the system which makes great national interests at home and abroad merely counters to play the game of *ins* and *outs* with. Those who demand and will have reform, searching and sweeping reform, in all directions, do not stop to ask from whom it is to come. If one set of men will not give it, another must: and yet another and another may be tried, found wanting and rejected; there

is time enough for the work, and the workmen will be found at last, in this generation or in a generation to come! Those men who despise the weakness or doubt the honesty of our present ephemeral administrations; who look with scorn and loathing on the profligacy and corruption of the class from among which our rulers are culled; who will have an end put to the abuses of the elective system, abuses of the administration, abuses of the law, the church and the corporations; who have sworn the downfall of taxes on bread, taxes on knowledge, and taxes on free religious opinion;—those men, we say, will not be turned from their purpose because their victims whine out the records of pledges unfulfilled, and appeal to the memory of promises unperformed.

For ourselves, we expect justice and good government neither from Whigs nor Tories, because we can expect neither the one nor the other from cliques and factions. Little indeed must any one have understood of the Reform Bill who did not see that, incomplete and unsatisfactory as it was in many of its provisions, it still must render the old methods and arts of governing impossible for the future. The exaggeration and the illusion have now passed away. Those that feared have learnt that there was not *so much* to fear from it; those that hoped have been taught by bitter experience that there was not *so much* to hope from it. The waters were troubled for a season, but no angel of healing went up from them; they have now returned pretty much into their accustomed channels; the Treasury and Opposition benches have recovered their accustomed calm: only the people whom the noise of these great movements awoke from their usual apathy have not gone to sleep again. They now perceive, and that too for the first time within the memory of living man, what the real question at issue is: Democracy and Aristocracy stand, unveiled and undisguised, face to face, hostile, embittered, eager for conflict, not to be mediated between, not to be appeased—save by unquestioned triumph of the one, unquestioned defeat and overthrow of the other.

There can be but little doubt which principle is now in the ascendant. Whether more or less rapidly, aristocracy is sinking, and will continue to sink: it is in the very nature of things that it should do so. Christianity, by gradually put-

ting an end to those vast warlike migrations which characterized the early ages of our people, has put an end to the only real foundation of aristocracy. That foundation is military occupation of the land by a body of men better armed or trained than those whom they dispossess, and over whom they exercise authority founded on the law of the stronger. These men possess privileges because they possess power, and their authority is real and substantial because they have the most effective means of making it valid. But time merges some of these with the mass; the families of others die out; and, as the exercise of the power of force becomes impossible or unusual, the rights derived from it pass away; the rulers and the ruled, the conquerors and the conquered, mingle and amalgamate in one body politic, both equally subordinate to the law, which both assist in making and maintaining. A few harmless privileges and symbols are all that can remain to distinguish one citizen from another under such a system; and with these who would quarrel?*

The early period at which the old conquering aristocracy of this country became nearly extinct, the gradual rise and progress of popular power, the creation of an anomalous court aristocracy, or aristocracy of service, fed by periodical incorporations of wealthy commoners with the noble class, not only a good deal modified the general rule laid down above, but tended to give strength and consistency to the new privileged class itself. The great mass of the middle class, near enough to the highest to claim fellowship with it, nay, forming the nursery from which it was recruited, became the firmest support of the aristocracy. In this the smaller country-gentlemen, the members of the learned professions, and the clergy were necessarily united. Though for many years divided on points of opinion of the highest importance, the two sides were still merely fractions of the aristocracy, as compared with the great mass of the people. They possessed nearly all the education, and a vast majority of the

* The privileges and symbols we mean are, titles, precedency, armorial bearings, coronets and robes of estate, and even a second or peculiar house of assembly; but we mean nothing else, for any inequality before the law is abhorrent to all our notions of a free constitution.

wealth of the whole nation; as a matter of course, a necessary consequence, they possessed also all the political power.

The battle of Hastings was the foundation of the true English aristocracy; the battle of Bosworth-field consummated a downfall which a succession of bloody foreign and civil wars had long prepared. The Tudor princes established the preponderating power of the crown on the ruin of the great families; and the sumptuary laws of Henry VII. were not less effective agents in this work than the axe and block of his son. But the raising of the people was one necessary consequence of their policy, and the Reformation taught the people so raised their real place in the social scheme. Consequently, the power of the people triumphed over the power of the crown, when the chivalry of the king went down before the "chivalry of God" at Naseby and Worcester.

The second aristocracy of which we have spoken may almost be said to have been the creation of Henry VIII. and the Reformation; its foundation was subservience to the king, its endowment the spoils of the church he overthrew; but as it had its roots in the people, it shared also with the people in the fierce struggle for freedom, which ended in the destruction of prerogative with royalty itself.

The Revolution of 1688 was unquestionably the triumph of this aristocracy over the restored monarchy and the people, although the latter claimed and gained concessions, then valuable more by name than in fact: from that event we fairly date the constitutional system under which we lived till the close of the eighteenth century, and the attempt to shake off or modify which is even now convulsing this great empire. With the national war which followed the change of dynasty, armed revolutions have happily ceased; while the progress of population, not less than the progress of knowledge among that population, has rendered it impossible for any class among them to attempt to rule by the exclusive possession of force; the government of the aristocracy was therefore reduced to an evasion of the constitutional forms by means of a system of deception in which the people themselves were seduced to become prime agents.

Hence, nomination boroughs, close boroughs, rotten bo-

roughs, profligate corporations, bribery, trickery of every description, intimidation, debauchery, and all the train of evils which accompanied elections during the last century and the first years of the present one.

The stir of opinion consequent upon the first French revolution sounded the downfall of this order of things. Among many and manifold evils inseparable from *all* changes, was the one great good, that an energetic and powerful class became conscious not only of their rights, but their power also; while those who had monopolized the possession of government now learned, that the only way to avoid the horrors of popular outbreak was to govern for the benefit of the people. But at this very juncture, the composition of that vast and somewhat anomalous body, the People, underwent a change. The war with France may be said to have created our cotton-manufacture, and with it a mass of other manufacturing interests,—founding families of enormous wealth, employing capitals of a magnitude hitherto unexampled, and, which is of more importance still, calling into existence a very large class of active, busy, energetic operatives.

A necessary result of the introduction of these new elements, viz. a revolution whose effects shook Europe from one end to the other, a war of principle, the creation of new branches of employment, new and enormous fortunes, new and active classes of the population,—was a total change in the moral and physical aspect of the country, in the relations between city and city, town and country, class and class, man and man. Not less striking was the change in all political relations.

The old questions once considered all-important now vanished suddenly from the scene, or were disposed of with rapidity and ease. The barriers between man and man, class and class, fell before the battering of the steam-engine: landlords we had before,—now we had cotton-lords and coal-lords, often self-raised men, rivalling successfully with the hereditary possessors of wealth and influence. As money became more powerful and estates changed hands, a change took place in the spirit and feelings of men; that change was in its tendency A DEMOCRATIC CHANGE, and its fruits were to ripen in their turn.

The revolution of 1832—a bloodless one, but not the less a revolution—was the expression of this new power, the recognition of this new element, the introduction of a new principle into the constitution itself. As such it was considered by both parties, the movers and the opponents of the measure; as such it was reluctantly admitted by the latter, for the want of other means to stave off popular tumult; as such it was recommended by the former, and for the same purpose.

We do not believe, (reluctantly as some of those who have accepted and yet hold office under it are well known to have consented to it,) that positive and intentional treachery was committed by the framers of the Reform Bill; but we do believe that the more earnest and determined of Lord Grey's cabinet, when they consented to emasculate the measure, totally misunderstood the position in which the country stood.

We look on the Reform Bill as the beginning of a new era, of which it was itself the first symptom and no unimportant instrument; and here it is that we differ widely from those statesmen who, in framing that measure, supposed they were closing instead of commencing the great account with the popular principle. Without arguing as to the word Finality, which Lord John Russell repudiates, it is evident that this error pervaded the views of all those who took the principal part in forcing the provisions of the Reform Bill upon the Houses of Lords and Commons. It was thought by Lords Grey, Althorpe and Russell, that the concessions then made to the "just claims of the people" would satisfy the mass of the discontented, and even destroy any formidable discontent. But concession itself teaches strength its influence; and such concessions as these necessarily contained the germs of further demands, in turn to be conceded.

There was no possible way of framing the argument so as to exclude the claims of the classes which remained unrepresented. Everything which applied to the ten-pound householder applied equally to the nine- and eight-pounder. Intelligence was not confined to that class; education was not confined to it; indeed, a very large number of highly-cultivated, thinking men, belonging to the higher and wealthier classes, were excluded by it; least of all was independence

either of character or position confined to it; nor could rent or rates be made a measure of intellect and moral capacity.

The moral law says that "rights are correlative with duties;" the English constitution further said, "that no man could be taxed save by his own consent;" therefore, when a vast majority of the poorer classes saw that they were called upon to perform onerous duties, and to pay onerous contributions, without enjoying the rights correlative with the first, or through *their representatives* consenting to the second;—and when they further found themselves sacrificed in the compromise between the opponents and supporters of the Reform Bill, one only result could reasonably be anticipated, viz. that they would receive the measure with not only deep dissatisfaction, but deep indignation; that they would look upon the new electors as traitors to the common cause; that a further estrangement would take place between themselves and the class slightly removed in point of property from them; and finally, that, having seen the effects of a display of force in behalf of themselves and others, they would now try it in behalf of themselves alone. All this might certainly have been anticipated, and all of it has taken place.

Believing, then, the democratic principle to be that of our age, to have gradually advanced, and to be still advancing, all over Europe, nay more, convinced that it is no longer practicable, even were it desirable, to arrest this tendency; above all, looking at the Reform Bill as a solemn sanctioning and adoption of this principle,—it remains to examine what is necessary to be done, in order to give it its proper influence in the national institutions. And this is especially needful, in order that the inevitable change may take place smoothly, imperceptibly; which if it do not, it can take place only by a general convulsion.

And, first, what is its proper influence? Obviously so much, and no more, as answers to its dispersion through the minds of individuals and classes of men, and leaves room for the operation of other principles, which, though weak in comparison with itself, are still positively strong. It has yet no claim to complete preponderance, and it has consequently no right whatever to demand such changes in our institutions as are intended to secure to it that complete preponderance. It has,

as yet, far too powerful an opposition to encounter, to justify its demanding to be the normal principle of our institutions. All that it can justly require is, its fair share of power, not an unfair share at the expense of other principles equally entitled to consideration with itself.

In a debate arising out of the troublous events of the ministerial struggle, Mr. Warburton is reported to have asserted, that the Liberal party (by which must be meant the more or less determined assertors of the democratic principle) were the wealthiest, the most numerous and the most influential body in the state. The words reported in the Morning Chronicle of June 5th are as follows: "I tell the honourable "gentlemen opposite, that the Liberal party feel satisfied— "what all will admit—that they are the most numerous; I "say that in the aggregate they are the most powerful, have "the most property, and are the most influential body in the "state."

This we believe to be an exaggeration. The whole Liberal party, as merely opposed to the Tory, Conservative or Illiberal party, may perhaps be properly characterized by Mr. Warburton's description; but amongst them there will be very many Whigs *and something less*, as well as Whigs *and something more*; for instance, those thirty members of the House of Commons who announced their intention of going into opposition, if any further concession were made to Mr. Warburton and his friends, and those influential members of the House of Lords, who have already withdrawn, or threatened to withdraw, their support from Lord Melbourne, upon the same contingency. Still, taking Mr. Warburton to mean the more determined and energetic members of the Liberal body,—the so-called "Party of the Movement," or "Organic Change" party,—they unquestionably are a most numerous, influential and important body of citizens, and one whose claims are not lightly to be resisted or misunderstood. But they are still in a minority,—a minority, we believe, numerically; in every other sense unquestionably a large minority, but still a minority. They have no right to demand the destruction of long-established influence, possessed by their adversaries, in order to substitute for it a new influence to be possessed by themselves; least of all have they a right to at-

tempt coercion for their ends. When they really become a powerful majority, their objects will follow as a matter of course, and almost without a struggle.

It is clear that these principles, which we believe rather to be fermenting and floating throughout the whole frame of society than to have found an expression in the definite shibboleth of a party, when understood and formalized, will rapidly advance to the point which we have just described. But there are yet two most important wants to be supplied: the first is that want of honest, earnest and deep-seated conscientiousness which is to be deplored in every class, from the highest to the lowest, and which must be replaced by a worthier spirit before any change can be agreed to, whose effect would be to place power in other hands than those which wield it. For all change is itself an evil. The second want, that of leaders of capacity, will be remedied when the proper time arrives; for never did Providence place a nation in circumstances of a trying, difficult and dangerous nature, but it raised up men fitted to battle with and command those circumstances.

The first, most necessary, and by far the most difficult and least probable reform, is a reform of the moral state and condition of society in all its branches; a more humble and self-denying spirit in the nation at large; and a belief in principles, for the sake of principles, not to secure triumphs to one faction or another faction, in or out of Parliament. It is not without wonder and profound humiliation, that we can contemplate the present moral state of this country, that we can feel the "fever and the fret unprofitable," that we can listen to the speeches of our principal men, and read the pamphlets of the leaders of opinion! And yet we are the descendants of men who struggled when death itself was the penalty of failure, who sent one king to the scaffold, and deposed at least three others, in the assertion of a great principle, for which they were ready to lay down life, wealth, and all that makes life worth possessing. That state of feeling from which alone useful and wise laws can spring, must be the product of other agencies than party-excitement, and the squabbles and struggles of the hustings, the vestry or the town-council room: it is not to be drawn from the ballot-

box; the sharing the franchise with a larger number of constituents, will not increase our chance of discovering it; a more rapid recurrence of elections will not bring it round to us. It must precede these great reforms, and it alone can make us fit for these or any reforms; it alone can teach us how to gain them, and how to make a fitting and a Christian use of them when gained. Education is the first outward means to this end; but not that education concerning which Laymen and Clergymen, Liberals and Illiberals, Peelites and Russellites, Churchmen and Dissenters, are raving and striving; not that little portion of education which is the product of reading this book or that, hearing this minister or the other; but that wide developement of character which results from these and many other things beside,—most of all from the exercise of municipal rights, and the performance of social duties—for duty's sake.

Before this most important end can be attained, we have a weary struggle to go through, in which selfishness on the one hand will be arrayed against selfishness on the other,—*this* strong to retain, *that* mighty to acquire. But the fate of the struggle is not doubtful: one by one, every mere conventional distinction will be cast away, and every barrier which prejudice, intolerance and self-interest have raised between man and man will be torn down. And the race of men which grows up during the continuance of this fierce warfare, will inherit the good for which their fathers have striven, without the contention and the labour which made even victory bitter. They will then see that moral evils are to be cured by moral and not mechanical means.

Meanwhile, the symbols of the "Movement" are ostentatiously paraded before our eyes,—the Ballot, Extension of the Suffrage, Short Parliaments. The Chartists, more consistent by far than the tribe of halters between two opinions, have other demands which meet with less favour, and make fewer converts; to them we shall return.

We have seen no reason whatever to change our recorded opinion respecting the Ballot: its efficacy we do not affect to doubt in a majority of cases; but we are by no means assured that its efficacy is for good and not for evil. We are weary of hearing immorality poised and weighed against immorality;

so much lie of one sort balanced against so much lie of another, and the remainder carried up to the credit of one side or the other.

Moreover, we find either confusion or dishonesty in the statement of this question of comparative immorality. Compelling a voter to vote is unquestionably immoral; it is a public offence, a crime against the state; it is an immorality on the part of the person compelling, though not necessarily an immorality degrading to himself. Telling a lie to conceal which way one has voted, supposing such a case ever to occur, is a private immorality, a crime against the moral law and the conscience, an immorality on the part of the liar. Now, this does degrade and lower the character of the man as a man, which the compelling him to vote against his will, grievous as the wrong is, does not necessarily do. I may be compelled, by superior force, to relinquish my passage across a field over which I have a legal right of way; a gross wrong is done to myself personally; the law is violated, which is another and still graver wrong; and I am perhaps, in some sort, morally the worse for feeling myself deprived of that freedom of action which, as a reasonable and responsible being, I have a right to enjoy;—but I am not degraded as I am degraded by telling or acting a lie.

As between the intimidator or the briber and the state, there is no question but that the act of intimidating or bribing is a public wrong of the gravest character; and it is a falsehood to assert that, under such a system, the representatives of the people are freely elected. This, we think, indisputable; but the question, as between the same parties and the coerced voter, stands upon a totally different footing,—for the voter goes up to the poll under *duresse*; he yields to a force which he imagines he cannot resist, and gives his vote under protest as it were; but the very reluctance with which he does this is his moral safeguard. On the other hand, a man who conceals his vote by a voluntary act of lying, has no moral safeguard whatever; and this is the more dangerous, because frauds committed on public bodies and lies told to public functionaries are already held, in the very loose and questionable morality of this country, to be comparatively, if not entirely, venial offences. How much more is this to be feared

if you put a man in a position which not only compels him to the commission of the offence, but justifies him by the number of those who share with him in its commission! but this is not the only immorality we find in the Ballot, or the one from the temptation to which we are most anxious to be delivered, and to deliver others. It is from the busy devil within, which always paints the near and selfish interest in the brightest colours, and whispers that the immediate advantage of the individual is of more moment to himself than the distant object of the general good. Weak as the check is, there is still some check in publicity, and even the boldest rogue shrinks from roguery which must be committed in the face of day. We would not willingly trust large bodies of men, or even private individuals, with the power of doing anything in secret from which they might derive advantage to themselves; we would far rather not possess that power ourselves,—not because we know ourselves to be selfish and dishonourable, not because we know others to be so, but because we would not be led into temptation, and well know that the spirit of the very best is weak. In a system of secret voting, the worst enemy a man could have would be the one that lodges in his own bosom.

But, after all, this question of the Ballot is not one on which we are compelled to argue without some practical guide; it has already been tested by experience, and among people sharing the same creeds and actuated by the same motives as ourselves. Vote by Ballot does exist in France and the United States of North America.

In the latter country it is very generally asserted to work excellently, and the example of America is triumphantly appealed to in its favour; but we demur to this *in toto*, first, because other causes are in operation there which render the Ballot unnecessary, and next because we believe that is not much resorted to as a means of concealment. The vast extension of the suffrage and the determined character of its possessors are the safeguards of American freedom, not the Ballot; nor has that freedom such opponents as could be very dangerous. There is no combined aristocracy, no overwhelming influence of property, no influential executive. Were any attempt made in America to interfere by coercion

with freedom of election, who doubts that it would produce what Major Downing calls "eternal nullification" from one end of the States to the other? And as for the minor evil of bribery, we suspect, that even the Ballot has not utterly destroyed this among our calculating brethen.

In America, then, we assert the question not to have been fairly tried, because other causes have existed together with the Ballot, to which we believe those advantages to be referable which are attributed to the Ballot alone. We repeat it, the freedom of election in America is less owing to a system of secret voting than to the vast numbers and thoroughly independent character of those who possess the suffrage.

We hear somewhat less of France as a balloting country, and considering what near neighbours we are, this might surprise us; but we can tell our readers why: it is because, in France, the Ballot has been a miserable failure. France offers the strongest possible contrast to America. The influence of the executive is enormous, the numbers of the constituency very confined, and the possessors of the franchise generally devoid of public spirit and knowledge of affairs: under these untoward circumstances, the possession of the Ballot does not secure them even a shadow of freedom of election; and the only resource of the French is in riots and revolutions for very indefinite purposes.

But if the Ballot possessed all the virtues attributed to it by its partisans, France is precisely the country where they ought to be manifested, because it is the country where they are needed; and in exact proportion to the disadvantages under which the French electoral body labour, ought to be the advantages which they derive from this institution. No one, however, who has ever witnessed the elections in that country can deny our assertion, that it is altogether incapable of producing the effect to be desired.

Neither in America, then, nor in France does the Ballot secure freedom of election, the Americans owing theirs to other causes, the French having no such thing at all, in spite of the Ballot.

But we have another reason for objecting to the Ballot. We do not admit the right of those who, by their own confession, are not fit to possess the franchise, to have their title

mended by such means. No man, who dare not use a right, has any claim to its enjoyment.

Bribery and intimidation are intolerable interferences with the rights of citizens: we assert it as earnestly as the most earnest advocate of the Ballot can: they are grave crimes against the state, not less than against the moral law; and could they be punished by the state as they assuredly will hereafter be to be answered for, they would deserve the severest punishment which the state can award. But this we know cannot be hoped for; nor could the state, by any ingenuity, be armed with means of detection sufficient to the end required.

But there are other means which may be looked to, and which, had men the courage to use them, would be efficacious enough. The oppressed may combine for self-defence. Who pretends to say, that if a large portion of any constituency courageously declared that they would not be dictated to, that they would not even be canvassed*, any one could hope to dictate to them? The cowardice that prevents them from taking their own remedy into their own hands, is symptomatic of an immoral state which we will not trust with the "protection of the Ballot." One such case of firm determination, and the example will be contagious enough.

But, it is said, the shopkeeper who fears the loss of custom is left without defence against real or supposed oppression, against a withdrawal of custom which actually does take place, or which he thinks, or pretends to think, may or will take place. We answer, that shopkeepers may defend themselves if they please; and if they do not please, if they balance the profit and loss of custom against the profit and loss of voting, it is their own affair, and theirs alone. For we emphatically deny that the franchise is a trust, given to one man to be exercised for others; it is a personal right, and never can be anything else. Historically and theoretically it is so: it is the indefeasible right of those Teutonic freemen who issued from their forests to found, upon the ruins of pagan Rome,

* We ourselves saw an election, where every single vote became of vital importance, decided by half a dozen men who had steadily refused to promise, and who, five minutes before the close of the poll, voted against the side of their employers. These were not shopkeepers, but journeymen printers.

the greatest moral and social communities which the Christian world has witnessed; and though it has been, and is in abeyance for many of them, it may still and will be claimed, and must not be denied.

This brings us to the remedial measure which we believe would be effective; we mean a large extension of the suffrage.

Of all the unprincipled absurdities of our day, we have ever held the limitation of the franchise to the possessors of a certain amount of property, or the occupiers of a house rated to a certain sum, to be the paramount absurdity. What earthly relation can there be between the civic rights or the moral capabilities of citizens, and the amount of house-rent or taxation paid by them? The things are not of one nature: they are incapable of being measures of one another; and the attempt to make them so is the mere result of an utter want of principle, or the miserable expedient of a set of legislators, wavering between the fear of giving and the fear of refusing what they have no right to withhold.

It is no answer to our question to say that the occupancy of such tenements, &c., is *primâ facie* evidence of such an amount of property, education and interest in the well-being of the commonwealth, as to qualify the citizen for the franchise, unless, at the same time, it could be proved that it excluded none who were equally qualified. To be worth anything, it must not only be *primâ facie* evidence, but full and complete and final evidence; and even then it must be shown that any one set of men possess the right to apply it as a test to others.

The truth is, that the ten-pound franchise was adopted as a compromise: it was taken by some because, at the time, no more was thought possible to be got; by others, because they feared to refuse the popular demand, and hoped that the instalment they offered would be accepted as payment in full. To the former of these two classes we now say, that they are bound to aid us in striving to increase the amount obtained, and that the time is favourable to a bolder effort. To the latter we say, that they have no right to enforce the limitation they attempted; that they must yield again, in the same manner and for the same reason that they yielded before; and that the people of this country neither are nor ought to

be satisfied with the instalment they obtained. The whole history of the English constitution is the history of a series of usurpations, a series of changes in the ancient order of things, and of a counter series of struggles to maintain portions of that original liberty which the people have never forgotten. And even in the worst days of aristocratic and royal domination, one old principle has continued to be recognised, embodying the most important of all those rights which have kept up the tradition of that ancient freedom, we mean, that no man shall be taxed save by his own consent; and again another, that no man shall be taken and punished save by judgement of his peers.

These are rights as old as the establishment of the English race, as old as the first appearance of the Germanic tribes in Europe, and they have survived not less the violences of conquerors, and the open assaults of privileged classes, than the secret and antinational influence of the Roman lawyers, imperial or papal.

It was the right of *every freeman of full age* to appear armed in the meeting of his peers, and to give his assent to the measures proposed by the constituted authorities for the general weal.

The exercise of this right, in this manner, has been suspended by two facts; first by conquest or usurpation, next by the substitution of other forms, rendered necessary for the sake of convenience and practicability. The effect of the first fact we do not recognise as lawful. No right *can* be abrogated by force; it can only be suspended; and the moment that force equals force, or that the wisdom of the usurping party points out the necessity of yielding, the right resumes its course. The second fact, which substituted representation for personal attendance, could neither abrogate nor limit the previously existing right. The whole body of freemen had just the same claim to share in the election of representatives, as they had to be present in person before the system of representation was introduced. This right no man or body of men, not even the House of Commons—and if not this, assuredly no other authority—could lawfully abridge or abrogate. It could only be forfeited by felony, by such offence against the public law as entailed *civil death*

upon the offender. For it was a right anterior to that of the House of Commons itself, the foundation of that of the House of Commons itself; and the commissioned body never could derive from their commission the power to disfranchise a single man of those from whom the commission was derived. History unquestionably teaches us how the altered state of things was brought about; it was, as we have said, the result of a series of usurpations and deadly struggles. But here the case of a suspended right enters into consideration; and the fashionable phrase, "just claims of the people," receives its only reasonable definition.

Put it, therefore, whichever way you will, it is impossible lawfully to deny the franchise to any one who did, in the foundation of our monarchy, possess the right to exercise it; for either the right must be admitted, or the law of force appealed to as the ground of its abrogation; and the abrogation of any right by force is in itself an impossibility. The latter proposition then results practically in a question of some moment: is it safe, at any given time, to continue your appeal to the law of force? and, if not, is it not wise to relinquish voluntarily what may be torn from you against your will, or at least the struggle for which may endanger the whole frame of civilized society?

This one right, then, we assert to be as inherent in the freeman, as the rights of the crown are inherent in the king, or the rights of the parliament are inherent in the king, lords and commons; and deeply as we lament the disturbed state of our northern counties, we cannot blame the great mass of the Chartists for insisting upon this one indefeasible right of every Englishman.

From what has been said, it follows that we reject all calculations of expediency in such matters, because we hold that right supersedes all such; and therefore we repudiate, with all our might, the system of counting votes that might be created by this or that extension of the suffrage. Whatever might be the result of returning to the ancient principle, if it be just, as we believe, those results are not to be matter of inquiry at all; and the making them so, the balancing of advantages to be gained or lost by this or that party, and the squaring of conduct by the legislature on any such calcula-

tion, is not only grossly unconstitutional, but it is grossly immoral.

We believe, then, every man to be entitled to the suffrage who is of full age and free; that is to say, who has neither been convicted of crime, nor is in receipt of pauper relief; and we are content to take the established age of twenty-one as the limit, in this part of our constitution, as far as those are concerned who are neither married, nor themselves occupiers of independent houses.

But we also hold marriage, even when contracted by a minor, with the consent of his natural or conventional guardians, to be a full act of emancipation; and, in the spirit of the old Teutonic law, we extend the suffrage to all who have been or are married. Finally, in the spirit of that selfsame law, we admit to the possession of this right every person who occupies a separate dwelling of his own, whatever be its value, in which fire can be made to "wall or boil the pot," and from which the smoke rises to the wind*; for the permission by his guardians to occupy such a dwelling is also a complete act of emancipation†. In speaking of the state of the franchise, before the introduction of the Reform Bill, Lord John Russell has made some remarks respecting the Potwallopers, which are, on the whole, just. (Pamphlet, p. 21). The cause of the evil which he notes and we admit lay, however, less in the fact of this class of persons having votes, than in their being an anomaly, under the old system. Where everything was venal, it was impossible that these particular voters should be otherwise than among the most venal. But had the right—which no one could at any time lawfully restrict or take away—been maintained over the whole country, then, we believe, that this class, being no longer an exception, would have shared in the better character of the whole constituency.

To ensure this being a *bonâ-fide* claim, a certain time of occupation is no doubt necessary, and may be insisted on; nor

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* This is the ancient legal definition of a householder. Anglo-Saxon *Potweallere*, Potwaller, corrupted by the Normans into Potwalloper.

† One who is *in potestate parentis*, becomes free, *sui juris*, among other things, item emancipatione, ut si quis filium suum foris famulaverit cum aliqua parte suæ hæreditatis; quod antiquitus fieri solet.—*Fleta*, lib. i. cap. 7, § 5.

does a year appear to be an unreasonable time to require; while, on the other hand, the performance of all duties being correlative to the enjoyment of all rights, we insist upon the payment, by every voter, of every due claimable from him by the state or the municipality, as a preliminary to the exercise of his right.

That this extension of the suffrage would be favourable to the democratic principle, we, of course, do not mean to deny; we have every reason to believe that it would be so; and that it would increase, in large proportion, the list of Liberal voters on the registries; but we cannot, on that account, refuse it, because we acknowledge it to be a right which we are, under no circumstances, entitled to withhold.

One result, however, to which we must confidently look, is the correction, in great measure, of those evils for which the Ballot is proposed as a remedy; and we are far from certain that this conviction has not been the cause of some of the late conversions to that measure; the timid being less afraid of secret voting with the present limited constituency, than of the only alternative, viz. a great increase of the constituency itself.

But it is not alone to the increase of the constituency that we look; we have still greater hopes from the complete change which will be worked in its character. Without breathing a word in disparagement of the present electors more than they themselves acknowledge, we cannot but admit what our experience has taught us, namely, that the constant occupation of buying and selling, the business of mere distribution between class and class, is not favourable to bold and independent action. One of the most practical of the Greeks suggests, as the best means of breaking the spirit of an independent nation, the sending among them a multitude of *shopkeepers**. Men who have no dependence on the skilled labour of their own hands, and who live by the caprices and at the will of others, cannot be as free as those who carry with them, wheresoever they may be, the means of self-support, and the dignity of self-dependence. The small shopkeeper may live, in some degree, by the squire, the parson and the

* Xenophon.

attorney; the small farmer may look with some anxiety to the nod of his landlord; but the skilled workman is beyond the reach of them all: he fears no expulsion from his mill, or factory or workshop; and even were he compelled to seek new occupation, he carries his capital and stock in trade with him. For the operative there is no alarm in the threat of exclusive dealing: he dreads no withdrawal of custom, no establishment of a rival; besides which, his very occupations have taught him to trust much in himself, and little in the favour of others.

Without a wide extension of the suffrage, then, we hold the Ballot to be of little value for the ostensible purpose it is to serve. With the only extension that can satisfy us, we hold it altogether unnecessary, and unequivocally mischievous,—a snare and not a protection.

The shortening the duration of parliaments is also a measure to which we should agree without reluctance; but a question arises as to what period we should assume. On this point we think errors to be widely dispersed, principally from ignorance of the great complication of some branches of the public business. The two periods most generally discussed are one and three years. To annual parliaments we think there are very many objections; twelve months is not time enough to bring many important measures to maturity; the mere collection of evidence whereby to guide us in legislating, frequently occupies a longer space; and in one particular branch, viz. our relations with foreign states, such constant changes would render it utterly impossible to carry on the public service. Were annual parliaments adopted, and with them the *possibility* of annual changes of administration, the Foreign department must cease to be a portion of the Cabinet, and a bureau must be established wholly independent of the House of Commons. But grave as these inconveniences are, there is yet a graver. One year is too short a space for the people to know their own minds in; and in cases where much difference of opinion may be expected, where strong prejudices exist, only to be cured by calm and long discussion, and by experience of the working of measures, three or even five years are not too much to arrive at a reasonable and just conclusion.

We are not certain whether even three years may not be too short a space; but three are far preferable to one. The main objection, it appears to us, to all short periods is, that the representative has not time to establish a public character, without which he can hardly escape sinking into an intriguer and jobber. Moreover, the certainty of returning so frequently to his constituents, imposes upon him the necessity of giving up something of that independence of action which alone can make the relation between representative and constituent beneficial to the latter,—for delegation we determinedly repudiate. The distant constituent cannot be aware of all the manifold circumstances that lead to the formation of an opinion and the giving of a vote; and for the sake of guarding him against the effects of his own ignorance or prejudice, it is absolutely necessary, not only that his representative should be able to act up to a certain point independently, but that time enough should elapse before they again come in contact, to allow fair play to reason, and opportunity of understanding one another.

To quinquennial parliaments we can see no objection, especially as we insist upon the crown's retaining the power of dissolution,—a power which practically limits the duration of the body, whenever it is really advantageous that the sense of the country should be taken: moreover, though nominally five years, in practice the duration will hardly exceed four. But this we look upon as matter of very minor importance; and if the one great reform of an extension of the suffrage be carried, all such arrangements will easily follow.

Two other important points have been put forward of late by the Chartists, and were embodied in their petition presented to parliament by Mr. Attwood. It is all very well for honourable members to sneer at petitions, as it seems at present the fashion to do; but a petition signed by a million and a half of men, even though they be non-electors, is no matter to be treated lightly. It is not constitutional so to treat it, and we are well assured that it is not prudent,—an argument which may have more weight with some persons. Now we are distinctly opposed to some of the views of the petitioners, because, if admitted, they would give so sudden a preponderance to the democratic principle, as utterly to annihilate

everything else, and reduce the government of this country to the vacillating and mischievous government of *the majority*: and we need not say that Miss Martineau has totally failed in convincing us, and we believe we might add all reasonable beings, that the majority *must* in the long run be in the right; but still, as this is the obvious desire of the Chartists, who know what they mean, we look upon them as far more consistent and honest than a large number of *soi-disant* reformers, who either do not know what they mean, or who are afraid of seeing the realization of their pretended principles. The two points to which we now object are, first, the abolition of property qualification in the candidate, and, second, the payment of wages to the representative.

Our readers, many of whom know well enough what advantages, derived from education and the habits of cultivated society, a very large majority of the members of parliament do possess, need hardly be told what must result from the presence in the House of such members as these points are intended to place there. Such persons, however shrewd, however determined, however well-informed upon the subjects which they are deputed to manage, would sink into utter insignificance in the House of Commons. The few who have hitherto struggled into that assembly have rapidly discovered that they were not in their right place, and that the wealthy and the aristocratic are *not* the worst-educated class in England, as very many persons very absurdly assert. The practical effect of such provisions would not, we think, be to drive any large number of those who at present aspire to seats from their pursuit. However absurd it might appear to them to receive wages for their attendance in parliament, they would soon consider it a part of the ceremonial, just as harmless as, and not more ridiculous than, appearing on certain occasions in a bag, sword and embroidered waistcoat, or a deputy-lieutenant's uniform. They would still constitute a vast majority of the members returned, and such a majority as effectually to crush the few "representatives of the working classes" who might possibly succeed in sitting among them. But we object to this payment on higher grounds: we object, in short, to delegation, which it presupposes. The theory of representation is totally distinct from the the-

ory of delegation. The latter, no doubt, consistently requires the payment of wages by the multitude whose servant or mouth-piece the delegate is. But delegation infers that the agent is merely the mouth-piece; that he is to say yea and nay merely as he has been instructed; and a delegate has no commission to deal with any single measure, save as he has been instructed by his constituents. If he has this, he ceases to be a delegate, to become more or less a representative. The theory of representation, on the contrary, presumes greater fitness either in adventitious circumstances of fortune or station, or greater knowledge of affairs and business in the representative than is possessed by the great mass of the constituents; and this is not only a just, but a necessary view of their relation. They trust him in matters which they do not understand, because he and they agree in matters which they do understand; but they leave him to represent them, not merely to announce their will and their opinion, because they think him fitter than themselves to deal with the vital questions of policy which may be brought before him.

Conceive only, if so absurd a proposition could for a moment be entertained, a house of delegates from the corn-growing interest, the glove-making interest, the silk-throwing interest, the hardware interest, the cotton-spinning interest (interests would be the right word), and all the other interests which, from local circumstances, can show themselves as substantive bodies. Bring before such a house of delegates the question of the Prussian Commercial League, the Independence of Egypt, or the War of Succession in Spain or Affghanistan. Or if you will not entrust them with your foreign policy, (though the people of England must judge of this as of everything else, before they will pay for the means of carrying it into execution,) come a little nearer home. Bring in a bill to impose or abrogate a tax on any particular raw material or manufactured article; open your ports to foreign corn, or do not open your ports to foreign corn; admit or exclude French gloves; flood your markets with the fruits of France, or "support the home-grower." What do you anticipate but a chaos of legislation, a rapid practical abrogation of the "House of Delegates," and a sudden resumption of the delegated authority, by them whose

mediate yea and nay will now be converted into universal anarchy, struggle, and the triumph of brute force—the millennium of the numerical majority! It is the safeguard of the labouring masses that their opinions cannot be carried at once into effect, and their interests cannot at once be made to triumph, because their opinions are crude, and between class and class various and inconsistent, and because their *immediate* interests are often opposed and hostile. Delegation, therefore, is anarchal and absurd. Representation alone fuses the interests of all into the interests of the state; but, to do this, it must be *real and substantial* representation, not the mockery of it which passes current by that name.

Much of what we have now said bears also on the question of a property qualification in the person elected.

Unquestionably, as at present considered, the property-qualification is a mere pretence, like almost every other part of our election-law; and were we to choose between retaining it on its present footing and abolishing it altogether, we would at once do away with it, as we would do away with every false and fraudulent practice. But rather than abolish it, we would insist upon its being strictly enforced, or rather, of some modified qualification being introduced which should be strictly enforced; for however desirable we think it that the body of electors should be increased to the widest possible extent, we think it equally desirable that the body from whom they are to elect should be restricted. The present qualification is in many respects absurd, and, practically, it is perfectly nugatory, which no provision of the law should ever be permitted to become; but while a change took place in the nature of the qualification, we would still have some, were it only to defend ourselves against the ingenuity of those who might find the trade of a parliament-man more suited to their taste and more favourable to their prospects than their legitimate callings and the laborious industry of their present trades or professions.

The plan of electoral districts, and an alteration in the numbers of the elected, also seem to us of minor importance. To a complete cutting-up of the country into "squares and oblongs" for electoral purposes, and to the apportioning a member to every twenty-five or fifty thousand of the popula-

tion, there may be many grave inconveniences, as Lord Grey and Lord John Russell both assert that there are; and as we believe that such measures are not of vital moment, we shall not trouble ourselves to investigate very closely the nature of the objections which may fairly be made to such alterations of the whole electoral surface of the country; at the same time, we feel bound to protest against the tone of Lord John Russell's objections "among others." It is the miserable fate of our public men, that they can see nothing and judge nothing save through their *party*-glasses; it is the whole business of their lives, the stunting and debasing occupation of their intellect, till both intellect and moral sense become emaciated and withered. Lord John Russell is a most honourable, a just and a moral man; he is also possessed of no mean intellectual qualities, and is well practised in business. Now, what arguments has this nobleman to bring against measures which would introduce a *totally new* principle into our constitutional forms, (which the other changes would not,) and clear away prescription and the old law, root and branch? Why, his principal argument is, that the prospects of a party might thereby be altered! We care not which party he supposes will gain or lose; but we enter our earnest protest against public measures being considered by any such test. That we may not be suspected of misquoting Lord John Russell's opinions, we give them in his own words:

"It was another and still more obvious objection to such a plan that all the towns in the country, except the largest, would have been diluted into the country around them. If inequality was to be remedied, Northampton, Warwick, Southampton, Chichester, &c., &c., would have lost their distinctive character, and the minority of such towns would have been converted into a majority by the aid of the country gentlemen and farmers of the neighbourhood. If equality was to be the rule, if Dartmouth and Richmond were not to return members alone, so neither, on such principles, could Dorsetshire or Lincolnshire submit to be outweighed by towns of 10,000 or 12,000 inhabitants—if numbers alone were to be considered, why should Devonshire, with 450,000 people, have no more representatives than Halifax and Wigan with 50,000? Yet had this equal division been adopted, Bridport, inclosed in a part of Dorsetshire, would probably have sent a Tory country gentleman in the place of Mr. Warburton, and the department of Lincoln would have replaced Sir Edward Bulwer by one who would have harmonized better with the Tory part of his constituents." —*Pamphlet, p.* 12-13.

Mr. Warburton and Sir E. Bulwer are, no doubt, very good members of parliament, and very proper persons to have in the House of Commons; but what is that to the *principle* of a great measure? what difference to the right and the law would be made by the addition or subtraction of a hundred Mr. Warburtons and Sir E. Bulwers?

We commenced these remarks while the land rang with the effects of a ministerial juggle, contemptible in itself, and bringing into contempt the most venerable institutions of the land. We close them amidst the alarms caused by popular tumult, and before the echoes of the *first call to revolution* have died away. Dreadful as these events are, they cannot be said to be surprising; they are the necessary consequence of that universal demoralization which is more and more rapidly overspreading all classes of Englishmen, and which advances daily, in bitter satire of those who mistake the outward forms for the inner spirit of civilization. We who, from the first moment, have struggled for the maintenance of *law*, and for the strict application of moral and Christian principles to legislation, diplomacy, and even to art, have a right to claim not to be misunderstood, when we assert, that the fearful position of the disaffected is not altogether without excuse. While education has been refused to the masses, and the plainest maxims of the constitution have been violated as respects them, they have been the witnesses of a series of parliamentary struggles which have utterly annihilated the respect and confidence once reposed by the people in their governors. They have seen the resources of the country lavished, and their own most wretched pittance wrung from them, to bribe slave-drivers in the West into obedience, who first take the bribe, and then turn round and defy the briber. They have seen the price of food advance without a corresponding advance in the means of purchasing it, and yet they well know that the granaries of foreign lands rot with the overplus, for want of which they starve. They have been abandoned to the fanaticism of sectarians, by those whom the state has appointed to be their religious instructors, and they have been grievously taxed to uphold the fabric which they never enter: they have found that the church which our Lord Jesus Christ founded among and of the poor and lowly,

is not, in this land, the poor man's church; they have seen one law for the rich and another law for the poor; and in this state of exasperation, want and ignorance, daily habituated to violations of the law by the example and practice of their richer and more powerful brethren, they have been exposed to seductions and temptations of which the rich and powerful know not. To crown all, the last stay, the last moral bond—that of the family relations, is loosened, and the obscene doctrines of "Socialism" are sown broad-cast among them by itinerant missionaries; while, to give full force to them, the prime minister of England presents to the Queen of England a main supporter of that obscene and antichristian system, and the Peers and Commoners vie with one another in zeal to pass a bill which will annihilate the paternal and marital power,—the only bill, in passing which, they can forget their sickening party-warfare!

Thus demoralized, thus smarting under the sense of neglect and the pressure of want, what do they find to re-assure them in the character of their rulers? They are shrewd enough to see that everything is turned to party and factious purposes, and that the triumph of a *clique* is the end of all our legislation. Moreover, they have heard that members of the House of Commons accuse each other of perjury, and that one member has accused the whole House of being guilty of that awful crime, for party purposes; while, to make that body still more respectable and awful in their eyes, the Lord Chief Justice of England, at the instance of one whom nothing but infamy could have made so bold, rates and punishes the collective members, (through their servant,) as libellers, and is obeyed in meek humility befitting an assemblage of Christians. They see all this, and they know that they have had no voice in electing the representatives of the people.

It is probably very true, that many of those who have distinguished themselves in the late lamentable excesses, nay, many of the Chartists,—the better part of whom, we believe, to have had nothing whatever to do with those excesses,—have very indefinite notions of what they themselves desire; in short, as Lord John Russell says, that they hope merely for an alleviation of their present misery, and that they are

gravely mistaken in the means. But they say, and we say too, that very much might be done, ought to be done, and must be done, to alleviate those distresses; and that while a heavy taxation, direct and indirect, presses upon almost every article of food, or means of industry and employment; above all, while the intolerable curse of the corn-laws grinds them to the earth, they will not allow Lord John Russell to sneer them down with the assertion that they do not understand the laws which affect the production and distribution of wealth. Before he does this, they claim to be allowed the *unfettered operation* of those laws.

Arms they possess, and have a right to possess; and nothing can be more unconstitutional than the attempt to interfere with that right, which we do earnestly hope the people of this country, either for fear or favour, will never relinquish: sooner let them bring to the block the head of the minister who dares whisper a project to deprive them of it! The law is yet strong enough to take care that those arms shall not be used against the public peace; and if the law be not strong enough, who doubts that hundreds of thousands are ready to array themselves in its defence, against its disturbers? But what is it that causes fears of armed resistance, that has called into exercise the right of the people to have arms "suitable to their condition," and that makes its exercise fearful? It is evil legislation and the careless indifference of legislators. The leaders of the Chartists have announced this truth at least: "If you had given us admini-"strative reforms, we should never have demanded organic "changes." It is a truth and a bitter one, and now is bearing its bitter fruits. May the experience of the past be full of lessons for the guidance of the future, and let our first step, the vindication of the law, be followed by a full and permanent redress of grievances!

In proposing to return to a state of things such as we assert it to be the right of every Englishman to demand, we are prepared to meet with much honest opposition. When the frame has long been subjected to the pernicious influences of climate or intemperance, even the fresh and healthy breezes of another zone, or the sobriety of an altered life, will produce painful and alarming symptoms. But through pain

and alarm comes health; a continuance in the evil custom that has become even a second nature, brings misery and death. Yet to such honest objectors as shrink from this strengthening of the democratical portion of our institutions, we have some suggestions to make. Is not the whole tendency of modern and Christian history towards democracy? Nay, is not Christianity itself eminently democratic? To come from observations of so general a bearing, has not every change which the last hundred years have given birth to, been a concession to the democratic principle, a step in its advance, a new element in its strength? And even had we the right to oppose ourselves to it, would it be consistent with prudence so to do? nay, would it be possible, unless we could blot out from the memory of men the events of those hundred years, and replace not only in the statute-book, but in the hearts of our fellow-countrymen, those institutions which have crumbled away for ever? If this be impossible, let us rather study how to give a truth to those maxims which we all acknowledge in theory, but which have for many years ceased to be effective in fact; and, by an act of justice, let us relieve ourselves from the imminent peril which attends our persistence in wrong.

To such honest alarmists we would further say:—Listen to the confessions of those very men whose violence you most fear. They will tell you that they are at the head of illegal confederations, because the constitutional channels are closed; and that they demand sweeping organic changes, because they cannot obtain admininistrative reforms. They will tell you, that while the ministers of the crown are afraid to move one step to the right or to the left, for fear of alienating this class or that knot of supporters in the House, and while the representatives of the people are lending themselves to play a factious and party-game, the multitudes, for whose benefit both ministers and representatives exist, are ground to the earth by burthens which they have not assisted to bind, and which, by the constitution of the land, they cannot lawfully be made to bear.

But if arguments derived from *right* still failed with these opponents, we would implore them to consult expediency, and to judge whether concession would not be the wisest, as

it would undoubtedly be the justest mode, of escaping from the difficulties of our present position. The most important advantage which could possibly be derived from it, would be the bringing back, within the pale of the law, thousands of misguided but earnest men—valuable citizens,—who in ignorance, and not altogether without excuse, have placed themselves beyond it. But the good effects of such a change as we contemplate could not stop here; it would give the discontented classes, in the main, other and better leaders. It is only the fury of opposition, the despair of seeing their rights acknowledged, and of finding men earnest in defence of them, above all, the want of constitutional channels for the expression of their feeling, that drive the Working Classes into the arms of such weak and wavering demagogues as Stephens and O'Connor. Thousands who now congregate to listen to their outpourings of blasphemy and sedition, do so because they can find no one else who will think it worth his while to regard the *non-electing* masses, or who feels he has an interest in conciliating and enlightening them; but give them their share in the representation, extend the suffrage to such a point that intimidation shall be useless and bribery impossible,—inoculate the vacillating and terrified constituencies with this sturdy and honest element,—you will hear of no more illegal combination of one class, embracing the extreme points of this island, and the prophets of the pike and torch will be quietly consigned to their fitting place,—cells in Bedlam.

Without an extension of the suffrage, and to the point we demand, the Ballot will satisfy no one; with such an extension, it will be unnecessary. Those, then, who have given a reluctant adherence to the Ballot, because they feel that the present system is an intolerable mockery of law and justice, and a continued violation of the constitution, but who shrink from their own remedy, will do better to adopt one that in itself will cure the evils complained of, and which, under any circumstances, cannot long be denied. Education is making rapid strides, far more rapid than members of parliament and clergymen seem to be aware: a vast stirring and fermentation exists in the mass; and if this have not a lawful vent, it will find one in confusion and tumult. The majority

of those who have not the franchise are as well able to exercise the right as the majority of those who have it, and are not less interested in the management of the commonwealth. These men cannot and must not be excluded from that which the constitution of the country recognises as their birthright. We would have this granted as matter of right; but the events of this century have taught us also to demand it as something that cannot safely be refused.

Article VIII.

A History of Russia. In Three Volumes. London. 1836. (Dr. Lardner's Cabinet Cyclopædia.)

A History of the Russian Church. (*Geschichte der Russischen Kirche von Philipp Strahl.* Halle. 1830.)

There is no term more complex and extensive than that of religion. Whether we consider it as the worship of the Deity, as the rule of conduct, or as a social engine, or whether we connect it with our hopes and fears in the anticipation of possible rewards and punishments, it brings with it, under the most manifold aspects, associations of which the influence on the human mind is altogether unparalleled. No creature entitled to the appellation of man can exist without some sort of religion. The capability of man for religion is, as has been justly observed, the mark that most essentially distinguishes him from the brute. He may worship the celestial bodies or be deluded by oracles of superstitious traditions—he may adhere to the sacred Vedas or the Talmud—study legends of the saints or Luther's Catechism—be a follower of Wickliffe or of Swedenborg,—still he must have some creed, some articles of religious faith; and the lights and shadows of that faith will be reflected in his thoughts, his actions, and the whole complexion of his life. This is equally true with respect to communities of men in all climes, and of every degree of civilization. There is no nation, however savage, that has not its religion and its priesthood, its places

of worship and its rituals. Even when religion has been for a time abolished, anon it rises, phœnix-like, from its ashes in the form of some new persuasion or sect: the necessity for it exists unceasingly. During the phrensy of the French Revolution, did not the world witness the destruction of all religious ideas and creeds, of all the symbols of Christianity? Crucifixes were broken and church-bells melted, yet an imperious necessity for some faith impelled the people to fill up with anything, however extravagant, the void where their altars had once stood. An opera-dancer was found to personify their "Religion of Reason," and when this mummery proved too loathsome and too absurd even for French Jacobins, the National Convention publicly decreed the existence of God and the immortality of the soul. The French have been again thrown back upon their ancient Catholicism, which the Encyclopædists had taught them to despise as the grossest superstition, and are they not, under Louis Philippe, becoming as zealous Papists as ever? Immeasurable indeed must be the advantage of having so firm a foundation as religion, the *ποῦ στῶ* of the moral world. Planting his foot upon religion as a basis, Moses established a theocracy and elevated his oppressed and persecuted countrymen into the chosen people of God. With the Koran in one hand and the sword in the other, Mohammed became the founder of Islamism and a new empire. Armed with the power of religion, the Pope distributed from the Vatican lands and crowns amongst submissive princes, and hurled the refractory into dust with the thunderbolt of his anathema. When skilfully employed as an engine of state policy, religion has called mighty empires into existence; and when unwarily disregarded, it has been the means of undermining them. What wonder, that ambitious princes and statesmen, and sometimes a whole series of successive rulers, have been found, who converted religion into a machinery of government!

Let it not be supposed that we approve of religion being made use of as a means. The expression, *a means*, is understood as designating something that is secondary and subservient to some higher object than itself, and this definition, as regards religion, we cannot admit. Religion, as we conceive of its nature, exists in itself and by itself: in scholastic

language, it is "an absolute truth," comprehending others, but not comprehended by, or subordinate to any. It has its particular ends with respect to individual man, and to the community of men; and these are equally absolute, equally insubordinate to any others, and of so high an order that none can be admitted as superior to them. The attempt to make either religion or its ends secondary to any other principle, would inevitably lead to the destruction of its own—would deprive it of its beauty, strength and purity, and render it, as religion, wholly inefficacious. "What is divine cannot be subject to what is human," is not an empty phrase; and when the divine founder of Christianity pronounced the words, "My kingdom is not of this world," he meant them as an injunction to separate religion for ever from worldly affairs, and not to make it subservient to state policy, which, being of man's contrivance, is liable to be distorted by the caprices and passions of rulers, whether autocrats or democracies. To screen religion from this danger, it was wise to prohibit the interference of the temporal authorities with spiritual matters, to deny them the right *circa sacra*, and to concede to the former only the right *ad sacra*; to require them to protect the subject in the free exercise of his religion, as they were bound to defend his civil rights, but in no way to meddle with the text of Scripture or the Liturgy, lest they should thereby alter the essence of religion. That this was right is obvious from the fact, that religion has its source in the mental conviction of the believer, and is a matter purely of conscience. Religion therefore implies individuality in the strictest acceptation of the word, and the consequent individual responsibility for religious opinions and actions. The admission, therefore, of any indirect medium placing itself as judge between Man and his Creator is an absurdity to be tolerated only by the unreflecting; and which becomes the more glaring when such intervention is not exercised by a spiritual adviser, a priest or confessor consecrated by traditionary custom or by learning to the office of intercession, but by a temporal ruler who may be swayed by a host of worldly considerations.

The boldest and most reckless amongst the Christian rulers of Europe who have committed themselves more or less

by religious interference have unquestionably been the Autocrats of Russia. Their encroachments upon the territories of their neighbours, their violations of treaties with other nations, and their utter disregard of obligations and duties towards their own subjects, are the least blots in their character; their greatest blemish is their religious guilt—their blasphemies against God. Their former offences are in fact only the inevitable results of the latter. They have not only used religion as a tool in their state policy, and destroyed its Christian principle and purposes by rendering them subservient to the aims of worldly ambition, but by crushing freedom of opinion, of will and of action, through which alone "the service of God" can become, as it is designed, "perfect freedom," they have, in the case of their subjects, transferred to themselves the responsibility man owes to God, and have rendered themselves punishable, were they before an earthly tribunal, for all the sins of their vast empire of slaves. Such is the strange and unnatural relation to God and man in which thirst for power has placed the Czars of Muscovy. From usurpations on man they proceeded to usurpations on God, and not content with the "divine right" they enjoyed in common with other monarchs, they claimed to be the "Vice Regents of God" on earth, and demanded a share of the "obedience," and the "worship" paid to him*. An eccentric position truly for the Czars, but only the natural result of their eccentric conduct.

Two things above all others are expected of every Russian: First, the church demands his faith in the orthodoxy of his religion. Secondly, he is required to yield blind obedience and submission to the will of the Czar.

The Russian is examined as to his "orthodoxy" when he goes to confession. Before he is permitted to recount his sins, he is thus addressed by the priest:

"*Tell me, my child, dost thou believe as the Catholic and "Apostolic Church, which was planted in the east, and from "thence has overspread the world, and in the east and here is "immoveable and unchangeable, as taught and delivered, and "dost thou not doubt of any of the traditions?*"†

* See "Russian Catechism" in the British and Foreign Review, No. VII. p. 282.
† The Rules and Ceremonies of the Greek Church in Russia, by J. G. King, D.D. London, 1772, p. 227.

The Oxford divine of the present day would exult if he could say as much of the Anglican Church, and assuredly the above is well fitted to render the Russian clergy as haughty as the Russian boors fanatical. Every other church, in its endeavours to prove itself to be the apostolic one, and that in which also the uninterrupted apostolic succession has been preserved from the commencement, has resorted to historical research, conjecture, and endless argument to support its claims; the Russian assumes it as an axiom, an article of faith, to doubt which, or indeed any of the traditions connected with it, is such an unpardonable sin, that the disbeliever cannot proceed in his confession nor obtain absolution. Well may a nation be proud—and the prouder in proportion to its barbarism—of being so orthodox! In spite of Christian charity, every Russian must look down with scorn upon the rest of the Christian communities which are not of the Eastern Church—the only one not subject to change and error; he must pity them as heretics, and be ready at the call of his monarch to convert them to the true creed. We need not hesitate to make this assertion. It will shortly be shown, in reference to the "submission" required from the subjects of the Czar, that a Russian can obtain remission for every offence except one committed against the sovereign. The priest may be silent upon all other sins, and leave the chastisement of them to God; but crimes of a rebellious nature must be brought into the light, and cannot be left unpunished. God may be merciful, but not the Czar.

How degraded is that religion which converts priests, the depositaries of its mysteries, into government spies!—witness Act VI. of the Decree issued in 1724, under no less authority than that of Peter the Great, for the guidance of the secular clergy:

"Priests shall not reveal anything made known to them at confession nor upbraid their penitents with their sins should any quarrel subsequently arise between them. Offenders in this particular shall not only be degraded but receive corporal punishment. Treason against the sovereign or the state is however excepted, if the guilty does not show tokens of repentance, but persists in his criminal designs, in which case the priest is bound to give information against him."

It would be idle to speculate further upon the above docu-

ments. They may be considered as the fundamental regulations which run like two great arteries through the whole frame of Russian government, and impart a peculiar complexion, moral and political, to the nation. Upon them rest the autocracy of the Czars and the servitude of their subjects. The laws, the institutions and the education of the people in Russia are adapted and developed in accordance with them. By the combination of the two principles—Church and State—a centralization of power has been effected which can alone explain her policy, and account for her successes. It is a subject of no small interest to examine how such a wonderful union of church and state, or, as it may be termed, such an anomaly, has been formed in Europe. It was not the work of a single reign or century; it has been that of ages. Let us trace it towards its source as far back in history as may be necessary.

The unity of the Christian Church had prevailed till 888, when Photius was made Patriarch of Constantinople in the place of Ignatius, whom the Emperor Michael drove from his see. Pope Nicholas I., who took part with the exiled patriarch, condemned the election of Photius as uncanonical, and excommunicated him; in return, Photius excommunicated the pope. The thunderbolts, however harmless they fell on the authors, rebounded heavily on Christendom, and proved a curse to it. A deplorable schism ensued between the Christians of the West and East, which arrayed them in two hostile camps. The greatest loser by it was Russia, who, having received her Christianity from schismatic Greece, was by this event cut off from the community and advantages of European civilization and sympathies. Isolated as she was, all sound reforms and new institutions, together with the noblest aspirations of the rest of Europe, passed unnoticed by her. Even in the eventful and great enterprise in which all nations of Christendom took part, the Crusaders appealed to her in vain; and the Patriarch of Constantinople, from personal hatred to the Latinists, preferred to transfer his see to Nicea rather than co-operate in the common cause of Christianity. The present question is not whether the object of the Crusades was wise or foolish, but at that time it was held so noble that it engaged every heart in Europe and every

Christian nation; and had the zeal of the Christians of the East equaled the fervent devotedness of their Western brethren, and had the oriental clergy done their part, the Eastern church would most probably have been spared the humiliation of witnessing Christians oppressed, and the four sees of their patriarchates occupied by infidels. Had it not been for the Greek Church, and the oriental apathy and ignorance connected with it, the whole of Slavonia, then flourishing, with its democratic institutions, and with a population remarkable for docility, might have soon become quite different from what it now is. At present only her western part is entitled to be called European; it is enlightened and ripe for free institutions; the eastern continues Asiatic as ever, is ignorant, torpid and enthralled, looking to the west for emancipation. It is only Romanism and its Protestant branches that are associated with progress and freedom; Grecism is coupled with the quietism of the East and with slavery. Enthusiasm in the West has encouraged everything beautiful, good and noble, and is rewarded with honours; enthusiasm in the East, and particularly in Russia, is identified with rebellion and treason, and is punished.

In the ninth and tenth centuries three different religions were seen struggling for spiritual empire over that part of Slavonia which goes by the name of Russia, viz., the worship of Perun, which was the ancient religion of the Slavi,—the worship of Odin, that of the Varagi or Scandinavian pirates who subjugated the Slavi and gave them the name of Russians, —and Christianity, which, in consequence of the frequent commercial intercourse of the Slavi with the Greeks, was at that time fast spreading among them from Byzantium, as it did in Western Europe from Rome. These three religions were so essentially different as to their respective tenets, that they could not but prove hostile to each other. The Scandinavian idolatry, which was the religion of the few, and these hated by the natives as foreigners and conquerors, soon disappeared from the scene; the Varagi themselves abandoned it as being little in accordance with their politics; all that remained of it were the offerings of human victims on the bloody altars of Odin, which were afterwards transferred to those of the Slavonian Perun, or Thunderer. The idolatry

of the Slavi, being the religion of the people or of the many, supported by long usage and by the awe which superstitions of this kind inspire, maintained a firm footing. Christianity was confined within the narrow circle of the more enlightened class, and had to struggle with the darkness that surrounded it, and the host of superstitions by which it was encumbered. In relation to the state, another class of associations was formed with respect to these three religions. The first having been introduced by conquerors was connected in the minds of the people with despotism, and was consequently not less hateful to them than were their foreign masters, who under Rurick had compelled them to submit to the Russian dominion. The second, or national one, was identified with democratic institutions, prevalent at that time among the various tribes and towns of the Slavi, and on that account was much cherished. The third, bringing the "glad tidings of the law of God and peace on earth, "holding out rewards in heaven for the righteous, and tor-"tures for the wicked in hell,"—for these rude and palpable elements of the Christian doctrine were all that could be comprehended by a population too ignorant to appreciate aught more exalted, or by their Varagian rulers too arbitrary to acknowledge any law superior to their own will,—presented itself too much in the character of reform. These started at it as at the appearance of a spectre, and they who had but a short time before exchanged the worship of Odin for that of Perun, could not be induced to give up the latter for Christianity until after a long period of opposition and tergiversation. As mind and truth, however, must prevail over matter and error, Christianity was destined, in spite of all obstacles, ultimately to dispel the clouds of darkness and superstition. Its triumph would have been complete and its influence entirely beneficial to its votaries—with its spread a new sun seemed rising over Slavonia,—had it not been for the schism of Photius, which arose independently of those other evils which time was to bring to maturity in her dark womb. The stream of Christianity was discovered to have been poisoned at the fountain head.

The introduction of Christianity into Russia took place in 988, when Vladimir the Great received baptism. The monkish

chroniclers refer the conversion of their nation to an earlier epoch, and trace it back even to the time of the Apostle Andrew; but these pious assertions, meant to prove the remote antiquity and thereby the apostolic succession of their order, deserve not to be relied upon. It seems more natural to assume the conversion of the sovereign as the era of the new faith, since the same event in other countries is always found to have been attended by a more general spread of Christianity throughout the population. The circumstances under which it was embraced in Russia were most unpropitious to its genuine spirit. Whilst the rest of Europe had to make only one transition from idolatry to Christianity, the Slavi for a period of 126 years after their subjugation by the Rurick dynasty oscillated between three religions, and that complete moral disorganization which is always the consequence of the want of religious faith, seems to have blighted for ever the moral character of the Russians. Their Varagian rulers, pirates by origin and trade, better warriors than theologians, shifted from one creed to another, as each in turn seemed most adapted for the gratification of their mad passion for plunder and conquest, or afforded them the best security for retaining their spoils. Byzantium had thrice seen them before her walls: in 864 under Askold and Dir, in 906 under Oleg, and in 941 led by Igor, whence each time their savage armies returned loaded with booty, and, as some writers would fain believe, bringing with them also the seeds of Christianity, much in the same manner as their descendants who in our day made the campaign against Napoleon may be said to have carried back the spirit of European civilization. Under a rule so little consonant to its spirit, Christianity could not but be in very low estimation. There was neither craving for it to be found amongst the people, nor conviction of its truth. A Russian (Varagian) and a Christian were not yet synonymous terms. So far was Igor from showing favour to Christianity, that, during his attack upon Byzantium, he used to crucify, impale and bury alive the Greeks—always showing especial malignity towards the priests, whom he condemned to be hung, or to have long nails driven into their heads. Sventoslav, on being urged by Olga, his mother, to embrace Christianity, spurned the proposal with disdain, re-

plying, that he would not become the laughing-stock of his court. Such conversions as did occur were usually the result of some ignominious motive, that could only tend to debase the new religion in the eyes of the people, as for instance, the remission of sins, which the Greek Church was ever ready to bestow on neophytes. The conversion of Olga herself—which, however, did not take place till she was much advanced in years—was probably caused by remorse for having, in violation of the rites of hospitality, held so sacred by the Slavi, treacherously murdered at a feast three numerous embassies successively sent to her by a Drevlian prince to demand her hand in marriage. Her example was followed by Vladimir himself, after he had run a disgusting career of licentiousness and cruelty, committed a double fratricide, and forced a princess of Polock to marry him, his hands yet reeking with the blood of her father and her two brothers. He likewise delayed his conversion, till the decline of life, after he had filled up the measure of his abominations, admonished him that it might be prudent to look for absolution. Both Olga and Vladimir were canonized as saints—Vladimir with the double epithet of Apostle and the Great. So far back as that remote period, church and state were obliged to go together: it was then that they were espoused—and they have never since been separated.

An event of such importance could not be narrated by monkish chroniclers without their setting off the character of Vladimir for superior wisdom. Great credit is given him for the manner in which he determined the choice of a religion for his people. The story is unquestionably a monkish fabrication; but it is in such accordance with the character of the rulers, the clergy and the people of Russia, that it is as valuable as if it were authentic. It is related that Vladimir, being undecided which religion to choose, sent ambassadors to the Mohamedans, the Jews and to Rome, to observe which of the three religions appeared the most eligible. On the return of his envoys, after having discussed with them the comparative merits of each, he is said to have delivered the following judgment:—" He rejected Mohamedanism because it " prohibited the use of wine, which, he said, was indispensable " to Russians; he disapproved Romanism because it recog-

" nized an earthly deity in the pope—a doctrine his haughty " spirit could not brook; and he spurned Judaism, because it " had no country, and because its professors were wanderers " upon the earth, under punishment for their sins." These words are extolled by the Russians as the kernel of sound political argument; and they have indeed borne their fruit, for the Jews have not at any period been permitted to settle in Russia; and so intense was the hatred to Romanism inculcated by the Greek priests, that it has since cost oceans of blood. It is further related that Vladimir was induced to choose the Greek religion by the report of his ambassadors, who, having been present at a mass performed in St. Sophia by the patriarch himself, were deeply impressed by the splendour of that church, its ritual and external pomp, which never fail to inspire awe and admiration in rude and uncultivated minds. His imagination being heated by their recital, he is said to have exclaimed, in the presence of his courtiers, " This must be a true religion: let us be baptized." The question that remained to be answered was, " Where?" To answer it, he marched with a powerful army to the Chersonese (Crimea), and under the walls of Cherson, the inhabitants of which were Christians, he offered up this prayer to Heaven: " O God! " grant me thy help to take this town, that I may carry from " it Christians and priests to instruct me and my people." After a six months' siege the town surrendered. This was indeed a genuine exploit *à la Russe*; but Vladimir was not satisfied with this triumph. He despatched a message to Basil, the emperor of Byzantium, whose city he had taken, demanding Anna, the sister of that monarch, in marriage; and accompanied his request with the threat, that, in case of refusal, he would treat that capital as he had already treated Cherson. The Byzantine emperors of that day, the very prototypes of the sultans of the present, were too weak to resist the will of so powerful an enemy. The princess was given to Vladimir, who, elated with his success, returned to Kiov, carrying with him priests, relics, sacred vessels, images of saints, church books, and a wife. This is what Strahl calls " Vladimir's conquest of Christianity." Arrived in his capital, open war was declared against the ancient worship and against all who should refuse to become Christians. " The people in

" crowds went to be submerged in the Dnieper,—the boyars " up to the neck, the peasants to the breast, whilst the children " were permitted to be baptized on its banks. Priests offi- " ciated, standing on the ferries." Such is the account, as given by chroniclers, of the inoculation of the Russian people with Christianity. Generals, with armed detachments, were then despatched to disseminate it throughout the country: Putiata and Dobryna were the most distinguished for their apostolic zeal; those who refused to be baptized in water, were compelled to suffer the fiercer baptism of fire and sword.

The death of Vladimir was followed by a dreary period. He divided Russia amongst his twelve sons; but it does not appear that Christianity had a humanizing influence on any of them. His immediate successor had murdered three of his brothers; the church, impotent as it was to restrain the unbridled passions of the princes, could at least reward with the crown of martyrdom those who had suffered by their hand; it canonized the slain brothers, Boris and Gleb, who subsequently became the protecting saints of the Russian armies, and were seen on battle-days, leading the hosts to victory. A meagre doctrine this; but, such as it is, it may have had its weight at that superstitious period. Other assassins and victims succeeded; and such was the state of morality, that scarcely one of these princes died a natural death. They were murdered in various ways: some had their eyes put out, some were thrown into prisons, and others sought in Poland, Hungary, and Rome, refuge from their brothers, uncles or nephews. The race of princes descended from Vladimir, by his Christian and Heathen wives, was so numerous, that, when Andrew, duke of Vladimir, sent an expedition against Novogorod (1169), headed by one of his sons, he was able to summon to the field seventy-one princes of the blood, each at the head of his own contingent. What a theatre for jealousy, feuds and crime! At Kiov, in the course of thirty-two years, eleven dukes mounted the throne, each holding his insecure sceptre only till some one more powerful than himself started up to snatch it from his grasp. Christianity had fallen upon barren ground in Russia. Amongst all these ferocious rulers, only two deserve to be distinguished: Yaroslav, as a wise lawgiver, and Vladimir Monomachus, as a true Christian. The latter died in 1125.

Some of the laws in Yaroslav's code deserve to be noticed, because, being modifications, or, more properly, improvements on the traditional laws, they exhibit more fully the darkness of that epoch of savage anarchy. Shocking as the criminal laws were at that time all over Europe, those of Russia exceed all others in barbarity.

"The code divided the population into three classes—the nobles, the freemen, and the slaves. For the murder of a boyar, or thane of the duke, the mulct was fixed at the highest penalty of 80 grivnas; for a page of the duke, his cook, or other domestics, for a merchant, or a sword-bearer of a boyar, and for every free Russian, without distinction of origin, 40 grivnas; for a *woman*, half the usual fine. No fine for killing a slave; but if killed without sufficient cause, the value to be paid to the master: for a serf belonging to a boyar or free Russian, 5 grivnas to the owner: for a superintendent of a village, an artisan, a schoolmaster, or nurse, 12 grivnas: for a female servant, 6 grivnas to the master, and 12 to the state. Prisoners of war and their posterity were condemned to perpetual slavery. Insolvent debtors became slaves by law; and all freemen who married slaves unconditionally, participated in their servitude. Horse-stealing was visited with imprisonment for life. But the most characteristic penalty was that of 12 grivnas for pulling a man by the beard or knocking out a tooth."—*History of Russia, vol.* i., *p.* 88.

As a counterpart to the preceding passages, the admonitions which Vladimir Monomachus gave to his sons on his deathbed will exhibit the improved Christian opinions of a ruler universally admired for wisdom, and present a strange picture of the occupations which, probably, were common to all the dukes of that barbarous period. The first is an admirable rule, when we consider that it was uttered 358 years before the birth of Luther.

"My dear children," said he, "praise God, and love men; for it is neither fasting, nor solitude, nor monastic vows, that can give you eternal life;—it is beneficence alone.

"Be fathers to the orphan; be yourselves judges for the widow. Put to death neither the innocent nor the guilty; for nothing is more sacred than the life and soul of a Christian.

"Violate not the oath which you have sworn on the cross. My brothers said to me, 'Assist us to expel the sons of Rotislav, and seize upon their provinces, or renounce our alliance.' But I answered, 'I cannot forget that I have kissed the cross.'

"In war be vigilant; be an example to your boyars. Never retire to rest until you have posted your guards. Never take off your arms while you are within reach of your enemy. And to avoid being surprised, always be early on horseback.

"If you find yourselves affected by any ailment, make three prostrations to the ground before the Lord; and never let the sun find you in bed. At the dawn of day, my father and the virtuous men by whom he was surrounded did thus: they glorified the Lord. They then seated themselves to deliberate, or to administer justice to the people, or they went to the chase; and in the middle of the day they slept; which God permits to man, as well as to the beasts and birds.

"I made it my duty to inspect the churches and the sacred ceremonies of religion, as well as the management of my property, my stables, and the vultures and hawks of my hunting establishment.

"I have made 83 campaigns, and many expeditions. I concluded 19 treaties with the Polowtzy. I took captive 100 of their princes, whom I set free again; and I put 200 of them to death, by throwing them into rivers.

"In my youth, what falls from my horse did I not experience! wounding my feet and my hands, and breaking my head against trees. But the Lord watched over me.

"In hunting, amidst the thickest forests, how many times have I myself caught wild horses, and bound them together! How many times have I been thrown down by buffaloes, wounded by the antlers of stags, and trodden under the feet of elks! A furious wild boar rent my sword from my baldrick; my saddle was torn to pieces by a bear; this terrible beast rushed upon my courser, whom he threw down upon me. But the Lord protected me."—*Ibid, vol.* i., *p.* 116.

In considering the structure of the social fabric in Russia, as exhibited in the code of Yaroslav, and the wild pursuits that daily occupied even the wisest of her rulers, it will be easy to imagine the desolate state of the population, thinly spread over untilled steppes and trackless forests. Destitute of legislative protection, they were actually outlaws—they could not even look for consolation to the church, for the clergy were ignorant, servile, or oppressed like themselves. Little, almost nothing, is said of them in history, as if that "mirror of truth," as it is styled, when reflecting the countenances of princes and prelates, shunned to sully its surface with such miserable images as those of Russian serfs. But, neglected as they were by chroniclers, their history has yet been written;—whoever wills to read it, may find it indelibly traced in their sullen, melancholy look—their distorted and degraded features, their mean and repulsive countenances. Their minds are proportionately narrow, and their feelings deadened. They have no dances, no music, that indicate gladness of heart and enjoyment of life. The few national

airs they possess are monotonous ditties, that seem to mourn, coronach-like, over the by-gone days of happiness. Under the anarchical and iron rule of the Varagi, and listening to the stolid rituals of their church, but destitute of real Christian instruction, they have become a distinct race, wholly unlike the rest of the peasants of the western Slavonian tribes, who are remarkable for high spirit, frank character, honest demeanour, gallantry in the field, and joviality in home sports. To them, on the contrary, as far as the dominions of the princes of the Varagian dynasty extended, might be applied what was said by Mirabeau of the Limousin peasants, "that "they were distinguished from the rest by a pain-stricken "(*souffre douleur*) aspect—a look past complaint, as if the "oppression of the great were like hail and thunder—a thing "irremediable—the ordinance of nature." Long ages must, indeed, roll over the heads of that Russo-Slavonic race before the gloom be dispelled from their countenances, and the rigidity of their sombre features relax into nobler and more intellectual lines and contours.

To fill up the measure of her calamities, the Tartars at this time made a descent upon Russia. They appeared on the borders of that country in 1223, led by Ghingis Khan, to whom a prophet had foretold (for even a Tartar government is influenced by religion) that he was destined to become the master of the world. The real cause of their incursion, was, however, the deficiency of pasture-lands in their Asiatic settlements, and it was this circumstance that led to the determination adopted by the Mongol chiefs at one of their great annual assemblies, of putting to death all the inhabitants of the countries they should conquer, in order to obtain waste tracts on which to graze their horses. The horrible massacres committed by them in consequence of this atrocious resolution, during their invasions of Persia and China, in which latter country alone they sacked or reduced to ashes ninety-six cities, foreboded little good to Russia. Terror-struck at their approach, the inhabitants abandoned all thought of resistance, fled to the churches to implore the interposition of the saints, and shut themselves up in sanctuaries that they might die in the act of prayer. Great indeed was the religious faith of the people, when, on the Tartars halting—probably

from satiety of such an easy conquest—at about sixty miles from Novogorod, and then turning back without having attacked the town, they could attribute its deliverance only to the miraculous interference of the Archangel Michael. At one sweep these barbarians, under their chief Batty, traversed Poland and Silesia, fell back upon Moravia and Hungary, and after subduing Croatia, Servia, Bulgaria, Wallachia and Moldavia, finally settled on the banks of the Volga, where they established the Golden Horde (Tent of the Khan), the well-known empire of Kaptschak. The two centuries and a half during which Russia was subjected to the Tartar sway, produced an important crisis in the destiny of her principalities. Their grand duke was compelled to appear at the Golden Horde to render homage and pay annual tribute to the Khan. The most humiliating acts of submission were exacted from him, and the ceremonies required of him on the occasion of receiving an envoy of the Khan were of the most degrading nature. It was customary for the grand duke to meet the Tartar minister at his approach, and spread a carpet of fur under his horse's feet. The Khan's letter was read to him kneeling, and when the envoy accepted a cup of koumiss from his hands, he was expected to lick from the mane of the horse the drops which fell from his lips. But imperious and inexorable as were the Tartars towards the dukes and boyars, who in their turn treated their miserable subjects with similar rigor, religion and the priesthood experienced from them a degree of protection which was seemingly inconsistent with their reckless ferocity. The following extract will explain the policy of their conduct:

"In proportion as civil war, and the disastrous incursions of barbarian tribes, repressed the spread of information, and confirmed the ignorance of the Russians, superstition in its most bigoted shapes obtained an ascendency. The unhappy people, when they were hard pressed by the enemy, threw themselves for safety into their churches, fondly believing that the sacred roof protected them from the fury of arms, or that, at all events, they should die in more acceptable distress at the foot of the altar. So when the peaceful arts were crushed among them, and their commerce destroyed, they betook themselves in despair to works of penance and acts of contrition! The Tartars perceived this increasing tendency to religious observances and wisely encouraged it, not only with a view to win over the people more effectually to their side by raising a new power superior

to that of the princes of the fiefs, but with the more subtle design of gradually weaning the Russians from their warlike habits. This deep and crafty policy was attended with signal success. While the Tartars wielded the most arbitrary sway over the princes and the people, they loaded the church with honours, augmented its revenues, and conferred upon it the most munificent grants. The only mediators whom they condescended to hear with patience and favour, were the metropolitans and bishops, to whose petitions, on behalf of their flocks, they frequently assented, at the very time that they refused similar applications preferred by the princes in person. This great distinction shown to the church was still more strongly marked in the laws which the Tartars enacted for its protection: they punished sacrilege with death, and prohibited any of their people, on pain of the extreme penalty, from molesting or insulting the monasteries, which were now every day enriched by extravagant donations and bequests. They exempted the ecclesiastical domains from the payment of taxes either to the Horde or the native princes. The circumstances in which the church was placed rendered it attractive to persons of the highest rank, who were driven by oppression from every other resource. Accordingly, we find that the Russian nobles sought for quiet and wealth in the retirement of the cloister, and gladly abandoned the unequal struggle with fortune in their proper sphere, for the more prosperous pursuits of the monastic life. This disposition to embrace the clerical habit was carried so far, that most of the grand-dukes made their religious professions, and assumed the cowl when they found themselves approaching their end; and when it happened that any of them recovered, they were compelled to forsake their worldly dignity, and continue in the order which in their mortal exigency they had embraced. The influence of the church thus grew to an enormous height; every man at his death bequeathed to it a legacy according to his means, and as treasures from all quarters poured into its lap, the monks were enabled not only to decorate their chapels, but to increase their landed possessions to a vast extent, by the outlay of the surplus funds which constantly accumulated in their hands. The consequence was that more churches and monasteries were built during the sway of the Tartars than at any former or subsequent period of Russian history."—*Ibid. vol.* i., *p.* 145.

So admirably adapted did the Tartars find Russian Grecism to their state polity—of which it has ever since continued the handmaid,—that, in the fourteenth century, Uzbek Khan issued a firman, declaring that "the church should be "the sole judge of the church, and of every person who dwelt "on its domains;" and that "he who should contravene the "law by daring to condemn or censure the Greek religion, "should be punished with death." Nay, so zealous had the Golden Horde become for the Russian church, that when one of the dukes of Kiov and his brother-in-law affected a partiality

for the Roman Catholic ritual, and signified their submission to the Pope, they were both deprived of their ducal authority.

In consequence of the subjugation of Russia by the Kaptschak Tartars, the sway of the Rurick dynasty declined, as the bond which held it together, rendering the numerous princes dependent upon one grand-duke, the head of that league, was gradually dissolved. All the southern principalities west of the Dnieper, and wherever the yoke of the Tartars did not extend, had placed themselves under the protection of either the dukes of Lithuania or the kings of Poland. In consequence of the union of those two countries by the marriage of Jagello, the grand-duke of Lithuania, with Hedwige, the heiress of the crown of Poland, they were incorporated for ever with that kingdom, and their princes thenceforward made a part of its nobility, and shared its glories and its ill fate till the time of its dismemberment; in fact they became *Poles*. On the other hand, those of the Russian princes whose territories were situated north of the Dwina, and east of the Dnieper, the tributaries of the Golden Horde, continued for two centuries and a half powerless, known only by their intrigues, brawls and reciprocal murders, and despised by their masters for their utter degradation, until one of them, Yury, prince of Moscow, more artful than the rest, usurped, as the relative of Uzbek Khan, whose sister he had married, the title of Grand Duke in 1321, and assumed supremacy over the other tributary princes. He laid the foundation of that Muscovy which has since continued to increase in territory until it became a czardom and empire, with a dynasty of rulers, who, from the Tartar blood that flowed in their veins, seemed destined to perpetuate the wild spirit of conquest and the insidious policy which the Mongols had pursued towards their neighbours and their subjects. We are led to make this distinction between the Polish Russians and the Tartarian or Muscovite Russians, it being of some weight in a political and religious point of view, as it tends towards refuting the imaginary claim of Muscovy to any part of the Russias which had belonged to Poland or Lithuania, that portion of the Varagian possessions alone excepted, which for 250 years paid tribute to the Golden Horde. The latter constitutes the only heir-loom

that the Czars might legitimately claim. With respect to religion, this consideration is still more important, the church of Poland having always regarded the Pope and the King as its spiritual and political heads, and never having acknowledged the Czar in either of these characters.

Countenanced, as we have seen, by the Tartars, the Russian clergy grew in power, while no hope was left for the degraded princes. Not having hitherto interfered in the councils of state further than by affording advice and mediation in the quarrels of the princes, they at length conceived the gigantic scheme of freeing the country from the Tartars, with whom, as Christians and Russians, they could not be reconciled. To facilitate the execution of this important project, they endeavoured to prepare the minds of the people for the change, by the pious fraud of circulating an imaginary prophecy concerning the birth of a deliverer, a czar of all Russia. The motives that determined them to adopt this course are given as follows:—

"They knew that in the grand-princedom resided the sole power by which the Tartars were ultimately to be driven out of the land; they saw that to arm that power with sufficient means it was necessary to enrich its treasury, to enlarge its bounds, and to attract within the circle of its sway the allegiance of the whole of the Russian principalities; they perceived in the civil commotions that oppressed the country a constant source of internal weakness, and they dedicated their energies and their influence to the one object of rendering the grand-prince supreme. Mahomedanism assailed them on the one hand, and the Papal church on the other; they wanted a rallying point of resistance against both, and they could only find it in the elevation of the throne to an imperial height. Hence the clergy supported the principle of legitimacy, which by its consistency and perpetuity was calculated to promote the progressive ascension of the princely authority; and thus by degrees and the inevitable progress of an active doctrine that surmounted every obstacle, the church became blended with the state, and the policy of the priesthood, exercising its subtle influence, governed and directed the motives of the civil jurisdiction."—*Ibid. vol.* i., *p.* 198.

The first step the clergy made towards securing the success of their plan was to establish a fixed and immutable line of succession to the ducal throne of Muscovy. Having proved their strength on this point in the case of Vassily's succession against the claims of his uncle Yury, Duke of Halitsch, whom they excommunicated and expelled, one thing only was now

wanting to the complete concentration of power—autocracy. For this they found a powerful champion in Ivan III. the Great, who succeeded to the throne in 1462. Let us examine the characteristics of that greatness, for in Muscovy even greatness is different from what it is in other countries.

Ivan III., according to the prophecies which announced his advent, had ascended the throne by the divine right of kings. As such, he disliked the liberty of individuals and states, in common with all rulers who deem that they derive their right to reign from so high a source. To prevent any competitor for his power starting up from the few remaining princes of the Rurick family whose lives the Tartars had yet spared, he degraded all whom he did not put to death, to the rank of boyars, and reduced the boyars to mere servitors at his court. He crushed the liberties of the independent republican cities of Novogorod, Pskow and Wiatka, by artfully representing their institutions to the boyars as absurd anomalies and usurpations, and to the people as treasonable innovations against the internal order and security of the empire—a political dogma which has been faithfully adhered to by the czars of recent date, and by none more than Nicholas. He knew not, nor could he suffer, any other government than that which he and his predecessors had seen amongst the Tartars, under whom Ivan I. had acted in the quality of a mere tax-gatherer, and on that account had been surnamed the Purser. Haughty as Ivan III. was—(it was however, only owing to the reproach of his still haughtier consort, that he escaped the ceremony of licking the drops from the mane of the Tartar envoy's horse)—he had yet so much of the habitual timidity of a slave in the presence of his masters, that in a pitched battle where they were beaten by his general, Svenogrod, although at the head of 200,000 men, he was too terror-stricken to venture an attack, and actually fled. Russia was liberated under his reign from the Tartar yoke, but more owing to the internal dissensions which had crept into the Golden Horde than to the military skill or courage of the Muscovites. "Nevertheless," says an English historian, "such was their reverence for the "czar, who was considered as the depositary of wisdom, "that they looked upon this very act of pusillanimity with "awe, and extracted from his apparent fears the subtle ele-

"ment of a second providence, saying that he had seen the "body of the future before its extreme shadows had darkened "other men's vision." His legitimacy being surrounded with such a halo of reverential awe, and he himself possessed of the inordinate self-love common to men of his class, no wonder that he admitted something supernatural in his nature. What he thus admitted he resolved to convert into an article of belief. He first assumed the title of *czar*, hitherto unknown, and thus at once distinguished himself as superior to the rest of the Russian princes. To render superfluous all recognition on the part of other monarchs, who at that time hardly knew the name of the grand-dukedom, he declared that he held the crown of Russia of the High and Holy Trinity, and that he would not degrade it by asking the sanction of any earthly potentate. An Austrian envoy who had failed in some petty forms of court etiquette, considered by the *czar* as the types of his supremacy, could not gain admittance to his presence until his own sovereign had consented to treat him as his equal. From fear lest his dignity should be compromised, the czar commanded the ambassador he sent to the Sublime Porte to address the sultan not on his knees but standing, to address him in person, and to yield no precedence to the representatives of any other monarch. By this arrogant bearing, not lost upon his successors, immediate and remote, for they all read and study history and imitate the examples left by their predecessors, he "rent the veil which concealed Russia from Europe." His domestic policy was no less a masterpiece, adapted to work on a barbarous people. Byzantium had then fallen into the hands of the Turks, and its emperor with his daughter lived in exile at Rome. Ivan asked and obtained the hand of the fugitive Grecian princess through the intercession of the Roman pontiff, who, in order to enhance his service to the czar, sent him, along with his bride, a double-headed eagle, the emblem of imperial dignity. That emblem was proclaimed to be henceforth the national arms of Russia. But as political compliments to that country commonly end in becoming realities, the double-headed eagle was represented to the people as a proof that their czar had stepped into the rights of the Greek emperors, and that thenceforth Moscow was to become the Byzantium so deeply

reverenced by them, as the source from which they derived their religion, their saints, their ecclesiastical hierarchy, their sacred images, their vapour-baths and alphabet. The court of the czar was surrounded with oriental forms, ceremonies and splendour; and external observances, however trifling in themselves, were looked upon as the necessary accompaniments of a sovereign who derived his power from the Holy Trinity. The metropolitan of Moscow, who has since been raised to the title of that of Russia, looked with satisfaction from his elevated position on the happy results of the labours of the clergy, and became zealous for the independence of the Muscovite church. A lasting breach was thenceforth opened between Grecism and Romanism, and hatred to the latter was become the leading dogma of the former. Subsequent events sufficiently demonstrate it, though this czar himself did not fail to evince it on many occasions.

Ivan IV. united theocracy with autocracy, and obtained the surname of the Terrible. There is no kind of cruelty on animals and on men which he had not committed in his boyhood; in after years he proved a real demon to his subjects. It would be loathsome to recount all the atrocities of which he was guilty; they were acts of insanity. Haunted by the idea of plots and conspiracies of the boyars against him, he poignarded them in the open market-place and at church with his own hand, and was surrounded by a body-guard of 6000 men, his assistants in the office of executioner. Refining on cruelty, he viewed with delight the violation of the most sacred feelings, and forced one man to kill his brother, and another his father, in his presence. On a certain occasion he caused eighteen gibbets to be erected at Moscow, and compelled the trembling citizens to witness the tortures of 200 victims whom he had suspected of plotting against him. At Novogorod, from 500 to 1000 citizens were daily brought before him and his son, and massacred before their eyes or drowned in the river Volkov, till the number of the dead amounted to 60,000. In a fit of madness he one day resigned the throne in order to be invited to return to it, on condition of being permitted to exercise his murderous propensities unmolested. Strange that a fanaticism for autocracy should be as easily excited as that for republicanism! the

recall of Ivan presents a striking instance of that species of infatuation. The idea that he derived his sovereignty from God had so completely confounded, in the imaginations of the rude Muscovites, the distinction between God and their sovereign, that at every disastrous crisis they looked to the czar for that succour which could only come from Heaven, and deserted by him, they believed themselves abandoned by Omnipotence. "The czar," they complained, "has forsaken "us, and we are lost. Who will now defend us against the "enemy? What are sheep without the shepherd? Let him "punish all those who deserve it; has he not the power of "life and death? The state cannot remain without a head, "and we will not acknowledge any other than him whom "God has given us." Infatuated by the blind devotion of his servile subjects, Ivan converted his palace into a monastery, assumed the garments and title of abbot, and turned his courtiers and his cut-throat body-guard into a spiritual fraternity, in the hope, by such buffoonery, to bring himself into nearer communication with the Deity, if not to exalt his own nature into something more resembling the Divine. In this respect, the following reply, of his own composition, to a letter of Prince Kurbsky, who had fled to Poland, and who was considered a conspirator, may be read as a remarkable instance of his theology:—

"*Why*, wretch," writes the Czar, after a prelude in which he apostrophizes the Almighty, "dost thou destroy thy "traitor soul in saving by flight thy worthless body? If "thou art really honest and virtuous, why not die by the "hand of thy master, and thereby obtain the crown of mar-"tyrdom? What is life? What are earthly pomps and "riches? Vanity and shadows!" After replying to some of Kurbsky's specific charges, he continues, "What thou "assertest of the assumed cruelties imputed to me, is an "impudent lie. I do *not* destroy the elders of Israel, nor do "I stain with their blood the Lord's temples: the peaceful "and religious live happily in my service. Against traitors "alone I am severe; but who ever spared them? Did not "Constantine the Great sacrifice his only son?" Further on he adds: "Thou tellest me that I never again shall see "thy Ethiop face: heavens! what a misfortune! Thou sur-

" roundest the throne of the Highest with those I have put
" to death—a new heresy! No one, saith the apostle, can
" see God; but I am silent, for Solomon forbids us to waste
" words upon fools like thee."

To prove that he did not adduce the example of Constantine in vain, he with his own hand assassinated his son, because, in a fit of frenzy, he thought him leagued with the boyars to dethrone him. In his excesses he set at naught all law, human and divine. He robbed monasteries, flogged ecclesiastics, and even married seven wives, which was, according to the tenets of the Greek Church, an unpardonable offence. Great as were the crimes of Nero and Caligula, they were neither so diversified nor appalling, nor were their victims so numerous. He at last usurped the place and attributes of, and identified himself with the Creator. The public declaration of his supremacy he couched in the following terms: "I am your God as God is mine, and my throne is surrounded by archangels, as is the throne of God."*

The calamities endured by the people under the reign of Ivan, had the natural effect of disposing them to seek for religious consolation, and on his death, in 1580, the authority of the church was very considerable. It received a further augmentation of power during the regency of Boris Goudonoff, by the creation of a Patriarch of Russia. This step rendered the Russo-Greek Church independent of the Patriarch of Constantinople; and owing to the political influence of Russia, the new patriarchate soon attained a degree of consideration superior to that enjoyed by any of the others belonging to the oriental church. The influence of the clergy had, indeed, taken so strong a root at that epoch, that Boris, who had been merely a minister of Ivan, owed his elevation to the throne

* The following instance of that species of blasphemous feeling as actually existing among the Muscovites, is related by M. Rulhiere: "Czar et Dieu ne formaient dans leurs esprits qu' une même idée. Dieu et le Czar avaient la propriété de tous leurs biens. Aux questions difficiles ils repondaient: 'Il n'y a que Dieu et le Czar qui le sachent.' Le Czar savait ce que les amis se disaient dans leurs confidences, et ce qu'un homme pensait étant seul. Ils croyaient tenir de sa puissance la vie et la santé, la beauté de leurs femmes, et jusqu'à la vigueur de leurs chevaux. Les respects qu'ils rendaient étaient un véritable culte. Le Czar sur son trône, dit un prêtre Européen (Possevin), qui séjourna quelque temps dans cette cour, a non seulement la majesté d'un roi, mais la majesté d'un pontife, et les hommages qu'on lui rend sont de vraies cérémonies religieuses."—*Histoire de Pologne*, vol. i. p. 76.

solely to the patriarch newly created by him. Demetrius, whether false or true, but for the offence he gave the clergy by his predilection for Catholicism, would in all probability not have been hurled from his throne, to perish as an impostor; whilst Schuyski, who supported the faith against the taunts and ridicule of foreigners, was raised to it by the united voices of the people. Vladislav, the crown-prince of Poland, by his adherence to the Pope, lost the golden opportunity of uniting the throne of Muscovy, to which he had been elected, with that of Poland, an union which would have prevented all the disasters which subsequently overwhelmed his country. It at that time cost the lives of 100,000 Poles at Moscow, and this was only the beginning of the deadly strife between Romanism and Russo-Grecism.

The throne of Russia passed into the house of Romanoff, in the person of the Czar Michael; and the metropolitan of Rostov, the most esteemed of its members, was raised to the dignity of patriarch, the political and spiritual authority becoming by this event centred in one family (1613). One further step only was wanting, and that step was taken by Peter the Great, who resolved to concentrate the two powers—the divine right of ruling men and that of directing their consciences—in the person of the emperor. To effect this, he abolished the patriarchate (1721), and established in its place the Holy Directing Synod, (Oswaishennoi sobor,) an ecclesiastical college which was to take cognizance of matters connected with religion, but finally refer their decisions to the sovereign, who thenceforth became the head of the church. In the ordinance he issued under the title of "Spiritual Regulations," the motives are explained which induced him to effect this change, and the laws enumerated by which the conduct of the clergy was to be governed. These regulations constitute the basis of the established church of Russia as it now exists. They distinctly state that no one but the sovereign shall be recognised as its head, and the bishops on entering on their spiritual office are held to swear to this article. They are moreover bound by oath to observe all the statutes and canons of the church; and likewise, by Art. 6, to teach and enjoin the priests within their dioceses to prevent the increase of schism, superstition and foreign rites. By Art. 7

they are prohibited from interfering in secular concerns on any pretence whatsoever.

This bold measure, together with his other attempts at innovation, as, taxing the clergy like the rest of his subjects, diminishing the number of monks and nuns in monasteries, employing these buildings as hospitals for invalid soldiers, printing the Bible, imposing a tax on all persons who let their beards grow, &c., obtained for Peter the name of Antichrist, and passages were easily found in Scripture by the clergy to prove that he merited the designation. So little did he, in this career of reforms, answer to the former idea of a czar, and so little apt were they to appreciate them, that he appeared in their eyes only an heresiarch.

Nevertheless, Peter did not stop at these external regulations of Russo-Grecism, and in order to its being respected at home, he took care to have the Holy Synod recognised abroad. In a letter to Jeremias, then patriarch of Constantinople, he informed him that the said synod would be thenceforth invested with the same powers and dignity as formerly belonged to the patriarch, and desired that he and the other oriental patriarchs should correspond with it upon matters touching their common religion. In an answer returned by Jeremias on the 23rd September, 1723, that dignitary approved of the synod as "patriarchal" on his own part, and on that of the patriarchs of Antioch, Jerusalem and Alexandria. From that period not only the independence of the Russian Church has been confirmed and the sovereign recognised as its legitimate head, but Russia being the only political power of that persuasion, a protectoral right over the rest of the oriental churches has tacitly been conceded to her, which she will never forego, and which in case of dissension would probably be appealed to by the weaker of the contending parties. In this convention Europe enters not, and Russia would accordingly exercise her right with respect to the four patriarchates of the Eastern Church, should they be aggrieved, in the same manner as she now extends the political protectorate she has acquired by international treaties over the hospodariates of Moldavia and Wallachia, and the republic of Cracow.

For the maintenance of his authority in his newly-assumed

character of head of the church, in conjunction with his political rule, Peter the First did not think it beneath his dignity to compile a catechism, and even occasionally to lecture in the churches. In this respect his successors differed widely both from him and from their other predecessors, who had always affected a certain degree of sanctity; greatly inferior in mental capacity, the Muscovite blood that ran in their veins was not sufficiently unmixed to enable them instinctively to prosecute the plans of Muscovite policy. More German than Russian by origin, imbued with foreign notions and manners, surrounded by German favourites, or adventurers of all nations, they despised everything Russian, and soon found themselves at variance with the clergy and the boyars. The Czarinas, raised from the condition of prostitutes to be consorts of the Czars and partners of their throne, or sinking themselves by their conduct to that degraded state, were destitute alike of morals and religion, and professed the French philosophy, then much in vogue, as a justification of their unrestrained licentiousness. Their example was not lost on the semi-barbarous noblesse and unenlightened populace; and Catherine II.'s reign was the golden age of lying-in and foundling hospitals, which were first instituted by her. It was held not only dishonourable but dangerous to associate with the national party: the fate of the Czarevitchs Alexis and Ivan gave warnings not to be disregarded; and the ages of the Varagi, when no prince died a natural death, appeared to have returned.

Peter III., rebaptized, (a necessary preliminary to ascending the throne,) Peter Fiedorowitch, was still Charles Peter Ulrick, Duke of Holstein-Gottorp, and a Lutheran. He had a Lutheran chapel in his palace at Oranienbaum, where the German companions by whom he was surrounded, and his own German predilections, were anything but in unison with the theocratic part of the sway he had to exercise over Russia. He nevertheless sufficiently understood its autocratic value in enabling him to seize the large domains of the Church and appropriate them to his own purposes. He first introduced the custom of paying the clergy like the rest of public functionaries, fixing their salaries at the low rate of 2500 roubles for the metropolitans, and of 500 to 150 roubles per annum

for the curates. The object of this measure, as he stated in his ukase, was to relieve the clergy of their temporal cares, that they might the better be enabled to attend to the cure of souls; thus adding insult and irony to robbery. How dearly he paid for these acts is shown by the manifesto of his wife and murderess, Catherine the Second, on her accession to the throne. "All true sons of Russia," she says, "have clearly seen the great danger to which the whole "Russian Empire has actually been exposed. The founda-"tions of our orthodox Greek religion have been shaken, "and its traditions exposed to total destruction, so that "there was absolute reason to fear that the faith which has "been established in Russia from the earliest times would "be entirely changed, and a foreign religion introduced." Catherine became a Greek, for the purpose of conquering Greece: she first sent a fleet into the Mediterranean, to show that she was able to attempt it. Paul the First came to the rescue of the established church and of the ancient dignity of the czars: he had, among his other mad regulations, restored the ceremony of genuflexion before the sovereign, and compelled foreigners of all nations to attend regularly at their respective places of worship. The Emperor Alexander was much of a cosmopolite: he kissed the hand of every priest he met; on his visit to England he is said to have praised Quakerism as the best religion; on his return to Russia he gave into the mysticism of Madame Krüdener, and died, as is asserted, in the bosom of the Roman Catholic Church. It may be said in his praise, that so far as depended on himself and not on the institutions of the country, all religions during his reign enjoyed perfect toleration. The same cannot be said of Nicholas I. He wields the double-edged sword of the Autocrat of All the Russias and of the Patriarch of all the Eastern Churches. He is as hostile to the western churches as he is to the forms of government of western Europe, and in politics as well as in religion he is a genuine Russian: in either respect his policy is grasping and dangerous.

Such is the history of the Greek Church as the state religion of Russia, and such the variety of modifications it has undergone, in its tenets and its ecclesiastical hierarchy, from the enlightenment or barbarism, the bigotry or irreligion, the wis-

dom or the frantic insanity of different autocrats. It remains to be seen, whether a religion so constituted, its Christian principles shaken as we have seen to the very foundation, is adapted to an age of civilization or likely to conduce to the moral improvement of its professors. The nature of a religion is best inferred from the doctrines it inculcates and the forms it adopts, and much light may be thrown on that of the Greek Church by a careful study of its precepts. Let us consider those drawn up for his own diocese by Peter Mogila*, Metropolitan of Kiov, a man of great piety, which were confirmed by the four oriental patriarchs in 1643, and used all over Russia until they were superseded by the catechism of the Archbishop of Novogorod, published by the Synod in 1766. What do those nine precepts enjoin?

"1st, Attendance on the public worship; 2ndly, obser-
"vance of the four great fasts; 3rdly, reverence towards
"persons in holy orders; 4thly, auricular confession; 5thly,
"to shun heretical books; 6thly, to pray for the supreme
"powers, spiritual and temporal, and for the conversion of
"heretics; 7thly, to observe particular fasts and penances
"appointed at confession by the bishop or confessor; 8thly,
"not to appropriate the goods and revenues of the church;
"and 9thly, not to solemnize marriages during a season of
"fasting."

Now, by Protestants, all these precepts, with the exception of "attendance at church," would be rejected as altogether useless and unessential to Christianity, the spirit of which must be imbibed from the study of the Scriptures and from the admonitions of the pulpit. There is no room for either in Russia—preaching being forbidden, except by special permission from the bishop, which is rarely applied for; and the Bible being unknown among the people, and scarcely used even by the clergy, who have no occasion for it in the performance of their religious duties. The whole duty of the Russian divine consists in reading liturgies on different festivals—in making bows and the sign of the cross—in pomp

* His book was called "A Confession of the Catholic and Apostolic Faith of the Greeks and Russians, *i. e.* of the whole Eastern or Greek Church." An edition of it, in Greek, Latin and German, was printed in Breslau in 1751.

and ceremonies, to which those of the Catholic or any other church are as nothing in comparison. The show and pantomime of this church is, indeed, quite oriental. On this very account Vladimir chose Grecism in preference to any other creed. It is not so much a worship as a mere ritual, less calculated to infuse the genuine spirit of Christianity than to keep the mind in a state of vague awe and stupefaction, highly favourable to a despotic government like that of Russia, and which is greatly promoted by the adulation with which the names of the czar and of the imperial family are interwoven in the prayers. Hardly any participation in the service, or but few responses, are required from the congregation; the whole is performed by the priest, the reader, the deacon and the singers, who are divided into two choruses. In short, taking into account all the relics of bones, wood, rags and garments, supposed to have belonged either to the Saviour, the Virgin Mary, or some apostle, together with a whole calendar of saints, male and female*, for every day in the year (sometimes half a dozen on the same), which a Russian has to adore, his religion becomes worse than any of the ancient idolatries, without either the spirit or the ingenuity which distinguish them†.

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* Among the prizes awarded in 1837 by the Imperial Academy of Sciences at Petersburgh, was one to Eristoff, a Russian priest, for his "Historical Dictionary of the Saints in the Russian Church." Hence it may be easily inferred what a host of saints Russia must possess, since an alphabetical arrangement was needed as a guide through the mazes of their shrines.

† The author of the "Excursions into the Interior of Russia," published this year, happened to witness the performance of the divine service in the cathedral Petrofskoi at Moscow, which he describes as follows:

"The eve on which we entered one of the many chapels comprised in this edifice, happening to be that of some festival, the crowd of poor creatures—ay, and of rich ones too, whom we found crossing and kissing, and bending and mumbling within it, was most immense. The fine chanting of the priests, surrounded by a blaze of tapers, was again found to be worth all the squeeze. It continued long; but at last one grim official, whom we had not previously seen, unexpectedly issued from a small door, and bowing like a Chinese, closed the ceremony in a moment. Before departing, however, most of the crowd turned to a precious relic stretched on a small table—an embroidered likeness of the Virgin—and kissed it most devoutly, by way of good night.

"Again are we forced to repeat, that all we ever saw, even among the most ignorant Roman Catholics in any country, is nothing to the superstition of the Russians. We had seen so much of it within doors that we expected to find none of it outside; but their fervour was not yet exhausted. Many were still muttering and gesticulating as they went away from the church: while one old woman, more furious than her neighbours, was prostrating herself in adoration on the stones in the middle of the throng. For a time we could not discover the object of her worship, but soon perceived that it was to the holy gate that she was di-

A religion may have its own intrinsic merits, and also derive credit from the sects that spring from its bosom. In this respect Romanism deserves our particular attention: witness the great family of Protestant sects which it has sent forth into the world, diffusing civilization over nations and hemispheres, and emancipating mankind from moral and political thraldom. To what extent the Eastern Church has conferred similar benefits may be estimated by the degree of civilization and freedom enjoyed by the Christians of the East, compared with that possessed by their western brethren. We confine ourselves to the principal branch of it, the Russo-Greek Church, whose sects, like itself, are based only on externals. Its fundamental principles seem to depend on such questions as whether or not the images of saints ought to be worshipped; how many times the word "Hallelujah" should be repeated in the liturgy; whether the sign of the cross should be made with two or three, and with which of the fingers,—from which last question sprung, in the twelfth century, the first Roskolnicks, or Russian heretics. In the fourteenth century the Strigolnicks questioned the right of bishops to receive money for ordination. Zozimus, in his Jewish heresy, denied the divinity of Christ, spat on his images and on those of the Virgin, and introduced circumcision. The swarms of different sects produced in the reign of Alexis by the refusal of the inferior clergy to acknowledge the new sacred books introduced by the Patriarch Nicon, amounted to no less than sixty in number, each distinguished by its respective canons of religious mummery. The distinctive observances of some of these sects were more palpably ridiculous than those of the others, viz. to abstain from eating ham and sausages, not to take snuff, not to drive with one pole, &c. The most absurd of all, but that which was the most religiously observed by all the Roskolnicks, was the

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recting her distant homage, on which, as in many of the churches, lamps were burning in honour of the evening. The crowd seemed to be greatly edified by her wild devotions. Such street prostrations are not uncommon. We can never find out what it is that fires the enthusiasm of the people in these religious ceremonies. Were there any preaching on the occasion, something said to excite the enthusiasm, as is done, and often eloquently done, by Roman Catholic priests, we could understand it; but we never hear even so much as one word of exhortation or warning. The whole is chanting and waving of the arms."

letting the beard grow, for it was announced by the Staglavnik (a book containing 100 ordinances of the Russo-Greek Church adopted at a meeting of the Synod held in 1551) that "of all the heresies which are punishable by excommu-"nication, none is more damnable and criminal than that of "shaving the beard; that even the blood of the martyrs is un-"able to redeem such guilt, and, consequently, that whosoever "shaves his beard for human considerations violates the law "and is an enemy to God, who has created him after his own "image." If such be their precepts of faith, where is the humanizing spirit of the sects sprung from Grecism? Is it not wholly the reverse of the influence which has been exercised by those derived from Romanism?

However puerile the tenets of these sectarians may appear to us, they clung to them with a tenacity, which the conviction that the salvation of their souls depended on the observance of them naturally inspired. They endured persecution with the constancy of the Hussites and Huguenots, and shunned not to die the death of martyrs. Some of the Zozimites were burned, or had their tongues cut out; the Antiniconists having shut themselves up in their houses and barns, set fire to them, and perished in the flames, rather than conform to the established church; and the convent of Solovitz, on the White Sea, where a large number of them had taken refuge, sustained a seven years' siege before it surrendered. Deprived of their churches, the Roskolnicks fled to impenetrable forests, there to celebrate their religious rites; others sought and found an asylum in Lithuania, Poland and Turkey, and some colonies of them still exist in those countries. They reverence the bishop of Kolumna as a martyr, and consider Michael as the last of the orthodox czars, whose present representatives they look upon as heretics. Peter the First, to whom so much praise is given for his toleration of all religions, withheld it, however, from these sectarians, whom, in his Spiritual Regulations, he treated as rebels; permitting them only to exist on sufferance, by payment of a tax, and on condition of wearing a copper medal having the impress of a beard. They were, and still are, numerous all over Russia. Catherine II. trembled before Pugatcheff, a Cossack of the Don, who ravaged the country

at the head of twenty thousand of these dissenters, most of them Cossacks. But these are matters which Russia is anxious to conceal. In 1836, when the Russian government offered a prize for the best history of the Roskolnicks, the condition, *sine quâ non*, was attached to it, that the writer should prove that, since the introduction of the Christian faith into Russia, orthodoxy has always been the characteristic distinction of the Russian Church, and that it it has never been troubled either by internal dissensions or by heresies of any importance. Why take the trouble to prove what an ukase had already declared to be true? Such, however, is the mode in Russia of arriving at truth. The truth required to be admitted is publicly announced, and the subject has nothing further to do than to advance and receive it implicitly. If he stumble in his way, and be lost, the fault is in his rebellious soul.

Hence the character for religious toleration claimed by the Russian government, and for which it assumes to itself so much credit, is shown by history to be without foundation. It is the more untenable, from the fact that the distinction between orthodoxy and heterodoxy invariably leads to discord, severity and injustice on the part of the church dominant. Every established church must be more or less intolerant, unless it can be induced to renounce its claim to orthodoxy, *i.e.* to the superior truth and excellence of its tenets over those of the dissenting party, which it is not to be supposed any established church would do, least of all one so eminently priding itself on its superiority as does the Russo-Greek. From that very principle it must be intolerant; and, since it has shown so much animosity to dissenters from its own immediate stock, how can it be expected that it should be more lenient to other religions *? The very dogma of submersion at

* To what extent religious toleration is inconsistent with the tenets of the Muscovite Church, may be conceived from the species of divine service performed on the "Orthodox Sunday," which is the first Sunday in the Great Fast before Easter. After pronouncing an Anathema on the tenets of the various sects, and on the sectarians by name, and after recommending to the Remembrance those who have well deserved for the established Church from its beginning, patriarchs and dukes, czars and czarinas, metropolitans, monks and nuns, the Liturgy goes on:

"To all princes and boyars who have suffered and fallen in various battles in defence of the orthodox faith and of their country, everlasting remembrance. *Thrice.*"

"The orthodox Church of Christ thus triumphantly celebrating the memory of

baptism, which is peculiar to the Russo-Greek Church, and not practised in the East, gives a strong indication of its persecuting spirit. The submission to this rite was usually exacted from all Christians of foreign nations who came to Russia, even though they were already members of the Eastern churches, if they were desirous of coming within the pale of the orthodox Russian church. (Nomocanon, 22 ff.) Once baptized in this way, the return to their country was prohibited; whether they would or not, they belonged irrevocably to Russia; and apostasy, being tantamount to high treason in that country, would have cost them their lives. Thus the ceremony of baptism bound them body and soul to Russia; thenceforth they lived and acted as Russians. Although the rigour of such laws may lately have been in some degree relaxed, still no conversion is sanctioned except it be to the dominant church. This of course augments the number of the czar's bondsmen; and the change of religion is a rare occurrence among the Russians. Even the native princesses who marry foreign potentates are restrained from changing their faith, as in the case of the sister of Ivan the Third, for whom, when she married Alexander king of Poland, it was stipulated that she should have her own Greek chapel; that she should not behold the interior of a Catholic church more than twice; and that in accompanying her mother-in-law to church, she should go no further than the door. Neither, in our own days, are the grand duchesses, when they marry European princes, permitted to embrace the religion of their husbands; while those who marry into the imperial family are obliged to renounce their own. Witness the Princess of Orange and the Duchess of Weimar, sisters of the present emperor, who have their Greek chapels; whilst the present Empress of Russia, a daughter of the King of Prussia, and educated a Lutheran, is now Greek. There is no Russian em-

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those who have in past times contended for the faith, thereby to excite all her faithful sons to follow their example, does also justly extol those who now, by their labour, contend for the true orthodoxy, and by a salutary faith and virtue prepare themselves for eternal beatitude."

Then, in a loud voice, the priest exclaims the name of the reigning czar, who is styled by him as the most august and most orthodox, and prays that he may not only protect the Church, but "convert all those who insidiously calumniate the orthodox faith." See the *Rites and Ceremonies of the Greek Church*, p. 406.

bassy without its Greek chapel and Greek priests attached to it, out of regard for the salvation of the souls, if not of the ambassadors and consuls, who are for the most part foreigners, at least of their secretaries and attachés.

Similar consequences result from the burial of a foreigner by a Greek priest, in a Russian cemetery. By that act the deceased, whether Catholic or Protestant, becomes a Russo-Greek, and makes his transit to the gates of heaven with the *passport* and privileges of a Russian*.

Though, by an ukase of the year 1801, the interment of a foreigner, who did not profess the orthodox creed, has been forbidden in consecrated ground, the church does not refuse the mere ceremonial rites of burial to any. If, however, as sometimes occurs in remote parts of the country, the holy sacrament or extreme unction be administered to a dying man, from the unenlightened but well-meant zeal of his friends anxious to secure for him a place in consecrated ground, he is considered thenceforth as within the pale of the Russian Church, from which, under the heaviest penalty of the law, he can never secede; and in case of his recovery, all children subsequently born to him are legally subject to its discipline, and must be educated in its faith: a posthumous child is placed in the same circumstances.

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* Among the MSS. in the British Museum, a Latin translation of such a Russian passport to heaven is preserved. We here give the whole of that curious document: "Conversum de Russico ad mandatum serenissimæ Catharinæ Austriaciæ Reginæ Poloniæ. Huius modi literas solent pastores in Russia cuique Russo diviti multumque pecuniæ pro illis numeranti in sepulchrum dare, ut quam primum ad cæli portam venerit iuxta mandatum a S^to^. Petro supremo janitore intromittatur: —Macharias Dei gratia Criofensis Halitrensis et universæ Russiæ Archiepiscopus, Domino et amico nostro Sancto Petro Dei omnipotentis janitori. Significamus tibi hoc tempore diem suum obiisse quendam Dei servum Principem Tedor Solodomirski: quamobrem precipimus tibi ut illum sine omni impedimento et cunctatione recte intromittas in Regnum Dei. Absolvimus eum ab omnibus suis peccatis et dedimus ei benedictionem. Itaque nihil eorum transgredieris; atque ne secus fiat dedimus ei has literas absolutionis.

"Datum in nostro Claustro in Criofa, 30 Jul. 1541."

The Russian troops were made to believe, during Suwarow's campaigns in Italy, that those who fell in battle against the French rebels and infidels, would come to life again at the end of three days, and find themselves happily restored to their homes, and free from the obligation of serving for the rest of their life. In the late insurrection of Poland the Russian priests were no less busy in impressing upon the Russian soldiers, that the last judgement would come if the Poles should vanquish.

It is worthy of remark with what anxiety the epithet of "orthodox" is affixed to the names of the emperor, and the other members of the imperial family, whenever they occur in the liturgy and prayers, as if their whole excellence mainly depended upon that adjective. To this we have only to add the following prayer from the same liturgy, "God vouch-"safe him (the czar) might, and subject to his power all the "*unchristian* and war-thirsty nations," and we have a clue to the whole machinery of Russian state policy, and to its minutest workings. Nothing is more striking than the scrupulous adherence to the principle pointed at in the above words, of the different czars and emperors of Russia, on the one hand, and, on the other, of their subjects, who have spared neither life, blood nor fortune, to enable them to carry into effect the object of their prayers. The conquests made by Russia, or rather by Tartar-Muscovy, (for even the name of Russia was usurped by the Muscovite czars, without any shadow of right, in order to legalize their lawless aggressions,) must not be viewed in the light of ordinary conquests. They are not pushed on with the sole object of territorial aggrandizement, with which she has hitherto been reproached by politicians, and the thirst after which might be ridiculed by the people as absurd and inexplicable, but with the intent to bind, as she has bound, the populations of the different countries under her sway by the indissoluble tie of religion. In this respect the policy of Russia has been most grasping; on this principle she has relied for the consolidation of her empire: armed both with a physical and spiritual weapon, wherever she turns her sword she invariably endeavours to plant the cross of her church; and wherever she meets with political obstacles to the establishment of her right of actual possession, she endeavours to pave the way for it by extending there the right of religious protection. Of this invariable practice of Russia numberless instances exist in history: by her skilful application of it she has outstripped all nations in the art of conquering and of keeping up a political supremacy among nations. Her conquests are not merely for the gratification of ambition; they are not such as any ruler might make or let alone; they are the result of a regular,

uniform system, in which national ambition and national religion, separately and conjointly are embarked, not only for the acquisition of territory, but for the increase of the number of co-religionists. Religion, in the state policy of Russia, is at once a new element of her power and the secret of her successes.

We find a series of Muscovite conquests alternately made by religion and the sword. The first state converted was the Biarmia of the Legends: its princes were baptized in 1462, and it now forms the government of Perm. Yarmak, a Cossack of the Don, discovered Siberia in 1554; priests and Russian teachers soon converted it to the Russo-Greek religion: all the exiles sent thither must die in that profession, there being no churches of other persuasions. No sooner did the Tartars, so long masters of Muscovy, become converted to Russo-Grecism, than the period of their rule drew towards its end. Three distinguished Tartars, relatives of the reigning khan, had been baptized at Moscow in 1393, and the inhabitants hailed the event as the rising star of their country's liberation. Other baptisms followed at intervals, until 1552, when Kasan, their capital, was taken by Ivan IV., who forced the khan and his Mohammedan mollahs to be baptized, turned the mosques into Greek temples, and established a metropolitan see in the city. Every fresh acquisition was followed by similar ecclesiastical establishments. In 1557 Kasan was annexed to Muscovy. Astrakhan soon shared the same fate. As she gradually extended her boundaries, Muscovy came into contact with heathen tribes heretofore unknown—the Tschuwaches, the Wotiaks, the Tscheremisses, the Kureles, the Laplanders, &c., who were all either first subjugated and baptized, or first baptized and then subjugated. As early as 1586, when Alexander, prince of Georgia, oppressed by Persia and Turkey, came to implore the protection of the czars, Russo-Grecism had found its way to the south amidst the Caucasian tribes: the latter are now waging a deadly strife for their independence. The Russians usually gain footing amongst those tribes as invited guests, and subsequently cannot be expelled as foes. A tribe of Calmucks, exiles from the borders of China, who had settled on the Wolga, secretly aban-

doned their settlements in 1770, assigning as the reason, that they had found in Russia three things they most abhorred—Christianity, agriculture and the raising of recruits. The conversion of the Ossetinians, and the conclusion of a treaty with them in 1781, opened to Russia the defiles of the Caucasus leading to Georgia. In 1783, when Walee prince of Georgia had recognised the paramount sovereignty of Russia for himself and his heirs, the Russian generals, Potemkin and Gudowitch, were empowered to accept the submission of any nation that might desire to become subject to Russia; and the khans of Badkoo and Derbent were, in consequence, soon after enlisted among the vassals of the empire. The misrule of the Russian authorities in Georgia (which, since 1800, had been entirely incorporated with Russia), and their wanton interference with the Mohammedan religion, gave great offence to the Persians. Urged by the entreaties of the chiefs of the various tribes to take up arms in defence of the insulted national religion, and even menaced by the mollahs with the curses of the faithful and with eternal perdition in case of his remaining indifferent to it, the Shah was forced, in 1825, into a war with Russia, which proved disastrous to Persia. By a treaty concluded at Turkmanchai, in 1828, she ceded the khanats of Erivan and Nakshivan, and a boundary-line was drawn, which gave the greater part of Talish, and such islands of the Caspian as fall within it, to Russia. No ships of war except those of Russia were to be allowed on the Caspian Sea.

On her western frontier Russia pursued a similar course of aggression upon Poland. The dissatisfaction of the Cossacks, then subjects of the kings of Poland, with the imperious government of some Polish nobles, and the exaggerated zeal of the catholic clergy, furnished Russia with a pretext for interfering in their behalf, as being her co-religionists. The result was, that in 1654 the Cossacks passed under the rule of Alexis, who acquired thereby the whole territory from the lake of Ilmen to the Euxine; and by the treaty of Moscow, in 1686, Poland ceded for ever to Russia, Smolensk, Kiov, and other possessions on the left of the Dnieper. This was one of the most important acquisitions for which Muscovy was

ever indebted to her Grecism. By annexing to her dominions so warlike a race as the Cossacks, she increased her own power as much as she weakened that of her neighbour Poland, and at the same time removed the most effectual barrier which lay between her and Turkey. Since this event, and the subjugation of the Tartars of the Crimea, which took place in 1784, the ascendency of Russia over both Poland and Turkey has been established. Her further interference in the religious quarrels of the remainder of the Polish Cossacks in the Ukraine, especially during the reign of Catherine II., led to the Bloody Vespers of Human, and the massacres of the Latins (Lachy) and Jews (terms which the Greek priests, in their hatred, consider as synonymous) throughout the Ukraine, Podolia and Volhynia; and by thus disorganizing the republic of Poland, prepared the way for its subsequent dismemberment.

But the disasters arising from religion were not to end here. The seed of evil had been sown by the primitive schism in the Christian church, and posterity was doomed to taste its bitter fruit. From the time of that deplorable secession, efforts were not wanting on the part of Rome, as the more enlightened representative of Christianity, by means of appeals to the general councils, and by embassies to various princes, to restore religious unity, but every attempt proved unavailing. The Eastern clergy resisted, with a stubborness only equaled by their barbarism; and the emperors of Greece and the dukes of Russia, in their thirst for unlimited power, infinitely preferred dealing with an ignorant and servile clergy to acknowledging the supremacy of the see of Rome, which at that epoch constrained kings and emperors to tremble before its spiritual dictates, and regularly sided with the oppressed. The Polish kings, who were also grand dukes of Lithuania, were desirous, as Roman Catholics, to effect this union of the Christian churches in the North, and especially in their extensive dominions, which, at the close of the fourteenth century, stretched over the Dwina and the Dnieper. The Greek Church flourished by the side of the Catholic under their sceptre, and had its metropolitan see at Kiov, to which, in 1415, Gregorius Zamblak had been elected by the Polish

Greek bishops*, and was quite independent of the metropolitan see of Moscow, which at that time groaned under the Mohammedanism of the Tartars.

The supremacy conceded to the Pope, in the council held at Florence, 1439, by John Paleologus, emperor of Greece, over the whole Greek Church, which at the fall of Byzantium was left defenceless in the hands of the infidels, was an event of paramount importance both to that church and to Christianity at large. The so-much desired union between the two Christian churches seemed then to approach its consummation, and Isidor, metropolitan of Kiov, who was present at the council, was foremost in persuading the Greek bishops under his jurisdiction to accede to it. In this way a united Greek Church of some importance and considerable in number, was formed in Poland, which, whilst it retained its original liturgy and rituals, and differed in some minor points, (such as reading mass in the Slavonic instead of Latin, permitting the clergy to marry, and celebrating their festivals according to the old calendar,) in other respects conformed to the tenets of the Catholic Church, and recognised the Roman pontiff as its head. In like manner, the Pope's supremacy was acknowledged by the Greek Christians in Calabria, Sicily, Rome and Hungary. The Polish union consisted of ten eparchies or bishopricks, (those of Vladimir, Luck, Polock, Lemberg, Przemysl, Chelm, Pinsk, Kiov, Mohilev, Smolensk,) and its clergy were permitted to enjoy equal privileges with the Catholic. In 1472, a papal legate was sent by the Pope to the czar Ivan III., and in 1581 the celebrated Jesuit Possevin to Ivan the Terrible, for the purpose of bringing over the Muscovite Church to the union: but both missions proved unsuccessful; Rome's supremacy could but ill agree with Moscow's autocracy; and even Novogorod and Pskow, which at first were disposed to join it, were deterred by the cruelties committed on them by those czars. Had a similar union of the Russian Grecism been effected, Muscovy would have come at once within the pale of Catholic Europe, and, influenced by

* The bishops were those of the following dioceses: Polock, Czernichow, Luck, Smolensk, Vladimir in Volhynia, Chelm, Turow, Halicz, and Czerwiensk.

the Protestant doctrines which at that period were spreading in Poland, might have discarded the superstitions of a religion, so well calculated to uphold a brutal despotism. In either case a change would have been the era of her emancipation, spiritual and political. But having been deprived of these advantages by the self-interest of her czars, Russia has been thrown back on her previous rude ages; and if she should be permitted to reap any benefits from modern progress, she will receive them from the hand of her czars only, and in such portions as shall not endanger their absolute power.

The relationship which was to exist between the Roman Catholic and the United Greek Church on the one hand, and the Muscovite Church on the other, was fixed by a treaty concluded at Moscow in 1686, which contained the following stipulations:

"The King of Poland is not to oppress, nor cause to be "oppressed, within his dominions, communicants of the Greek "Church; nor will he compel them to embrace Catholicism; "but he will let them enjoy, according to ancient laws, the "privileges of their church."

"The Czar, on his part, declares that in all his dominions, "and especially in the provinces (Severia, Czernichow, Smo-"lensk, and part of the palatinate of Kiov), he will do no vio-"lence to Catholics, nor will he force any of them to embrace "another religion; so that in the profession of their own they "may enjoy a perfect freedom, and not suffer any injury in "their estates."

These solemn and reciprocal engagements between the two powers were not observed by Russia. The Catholic nobility of the palatinates of Kiov and Smolensk had no alternative left them than to abjure Catholicism or forfeit their estates. That Poland did not violate her given faith, is proved by the number of Russo-Greek colonies still to be found in Lithuania and all over the country, which have continued undisturbed, ever since that treaty was made, while in the aforesaid provinces not a single Catholic church exists.

A synod having been constituted in Poland to regulate the affairs of the Polish dissidents, Russia claimed the right of being admitted to its sittings, on the ground, that under the name of *dissident*, not only Protestants but all non-Catholics,

and consequently Greeks, also were included. By this ingenious logic she obtained the privilege of sending to it a representative, who was always to be the Greek bishop of Mohilev, whenever the affairs of the Greek church were to be the subject of deliberation. This ecclesiastical tribunal consisted of eight Catholics and eight dissidents, all named by the king; and on occasions, when the presence of the Bishop of Mohilev was required on the affairs of his church, the presidency for the time being was conceded to him. Was there ever a greater anomaly? A Russian bishop, responsible only to a foreign sovereign, admitted into the councils of the Church of Poland, and by a misplaced courtesy even allowed to preside at them, was certain, by siding with the dissident representatives, of whom he formed the ninth, to have a majority over the eight Catholic members on every question which he should espouse; the other dissidents also being Protestants and considered as the aggrieved party. Thus we find Russo-Grecism making common cause with Lutherans, Calvinists, Socinians, Arians, &c.—with sects which denied the Trinity, the worship of saints and relics, refused absolution, and so forth—against Catholicism, to which it was most akin; as if to prove, what has been often observed of all sects, that the less they differ the greater is their animosity towards each other, and, again, the wider their difference the less their hostility. Thus, in Poland, the members of the United Greek Church were more hated by the orthodox Greeks than even the Catholics; and in Russia, the latter were tolerated where the former were altogether prohibited. We press this remark upon the reader, because at this very time the United Greeks are the objects of the severest persecution on the part of the Muscovite established church, under the reign of the present emperor.

Nicholas I. combines in himself all the elements of the Muscovite character. He is as far from the European sentimentality of his brother Alexander as from the savage wildness of his brother Constantine; but though both their dispositions are moderated in his, he is still a compound of both, with a strong admixture of egotism. He is all politeness to foreigners, but stern to his boyars; kind to his own family, he drowns Polish mothers in tears, acting the part of a Herod to the children of Poland. He never does anything by sud-

den impulse; all is a premeditated plan, a system with him, and on that account the more to be dreaded. Neither fear nor mercy bind him; he believes in predestination, and the blow he inflicts falls inevitable, and must be borne unmitigated, like that of fate. He violates constitutions, breaks the most solemn treaties, outrages laws both human and divine, still thinking himself in the right and others in the wrong. He has a conscience of his own which always absolves him, and a self-conscious infallibility that condemns others. Other potentates can do no wrong by the constitution of their country, he can do no good by his own, i. e. by himself. He cannot alter himself, for autocracy cannot be altered but with its own ruin. Over a monarch of his temper and system, neither his subjects nor other princes can be expected to have any influence; they can only await his destiny. The part he has acted in Poland, the principal stage of his activity, shows more than anything his true character. This has chiefly been considered in political respects; let us see what it is in its religious tendency.

We have, in a former article, explained the nature of the charter given to the kingdom of Poland in 1815, as well as the violations of it by the czars*. In that charter which the Emperor Nicholas swore to observe on the day of his coronation as king of Poland, according to the solemn formula embodied in it (Art. xlvi.), "I promise and swear before God "and the Holy Gospel that I will observe the constitution "and will use all my efforts to maintain the same," was the following article (xi.): "The Roman Catholic religion being "professed by the majority of the inhabitants of the kingdom "of Poland, the government shall make this religion the ob-"ject of especial care, without in any degree derogating there-"by from the freedom of other religious sects, which shall all, "without exception, have full and public liberty to carry on "their respective worships, and shall all enjoy the protection "of government. The different forms of Christian worship "shall occasion no difference in the enjoyment of civil and "political rights." After having been sworn king in the chamber of the Polish senate at Warsaw, his majesty, with

* British and Foreign Review, No. III.—The Poles and the Czar, *p.* 72.

his imperial consort, both wearing their crowns, proceeded to the Catholic cathedral, (the Grand Duke Constantine clearing the way for them,) where they heard a Catholic mass, and received the benediction from a Catholic archbishop (Woronicz). The sight was magnificent and interesting to the Catholic world, and might with justice have been admired as gracious in an orthodox Greek Czar, were it not for the *coup d' état* which lurked behind. The Russian army was at that time in Turkey, in no enviable situation, and the ambitious meditations of the Emperor were fixed on the questions of Constantinople and of Greece, and upon the Austrian army, which in a menacing posture was gathering along the eastern frontier of Hungary. The Czar needed the good-will and assistance of the Poles, who had an organized army of 35,000 men, strong enough to make a demonstration against Galicia, and ready at a moment's warning to pounce upon that Polish province. The coronation was received as a well-meant act; and the Catholic religion was made use of to support the Czar's state policy.

The Turkish affair having ended in a treaty of peace, fresh infringements of the charter provoked the Poles to rise in 1830. The Emperor, dissatisfied with the nation and its constitution, superseded the latter in 1832 by an "organic statute," as King Ernest has since done with the constitution which his predecessor gave to the Hanoverians, but with this great difference, that the latter had neither promised nor sworn on the Gospel that his reign should only be "a continuation of the reign of his brother." Pursuant to that new statute, the Catholic religion was to be no longer under the especial care of the government, but was put on the same footing as all other religions.

This would have been all right,—for, thanks to the enlightenment of the Polish clergy, the Catholicism of Poland at the present day is far from being either intolerant or exclusive,—had not that regulation been accompanied by others in favour of the least national of all the religions in the country, which not merely placed it on a footing of equality, but rendered it superior to them all. This favoured persuasion was that of the Russo-Greek Church. The greatest hostility was in particular directed against the Romanism of both the Catholic

and United Greek churches, which were the most national religions of Poland, and comprised the greatest part of the population. There exists a series of different ukases concerning these professions, of the most vexatious and inhuman nature, all of which have been issued within the last ten years.

The first of these ordinances, in 1828 and 1829, prohibited the inhabitants of the governments of Mohilev and Podolia from erecting new Catholic churches and chapels, and from repairing the old. Similar ukases have already been in existence since the partitions, as it was calculated that by diminishing the number of churches the number of Catholics would also be reduced. From the above dates, it is obvious that the present persecution of Catholicism is the consequence of an anterior design of the Emperor Nicholas, and not merely a result of the late Polish revolution. It has ever been the Russian system to persecute and, if possible, to root out all foreign religions and sects. Two more ukases, of Oct. 19 and Nov. 5, 1831, strongly enforce the observance of the above-mentioned prohibition.

Perilous as the outbreak of the late Polish insurrection has proved to the stability of the empire, by laying open its weakness before the eyes of Europe, the fatal *dénouement* of that event for the Poles could not but have been welcome to the Russian clergy. The patriotism of the Catholic hierarchy was characterized by them as treason, and afforded the Emperor a pretext for ukases abolishing Catholic churches and convents, or transferring them, with all their estates and rich endowments, to the Greek clergy. To bring odium upon their prior possessors or founders, these are fraudulently represented as having either originally been Greek, or as having been established only for the purpose of converting the Greeks to the Union or Catholicism: all mention is avoided of the clergy who first occupied them having brought Christendom to Lithuania, and introduced into the North the civilization by which the people of those parts have since been distinguished from the Muscovites. A convent of the Piasts at Warsaw, celebrated for its high-school, is now the site of a citadel built to overawe the capital; other consecrated buildings have been turned into hospitals and state prisons. In Wilna three convents, those of the Visitkis, Franciscans and

Basilians (monastery of the Union), were last year employed as dungeons, and were all full. In these abodes the exaltation of spirit and the constancy of the rebels, as they are called, is increased by the consideration of the glory which religious as well as political martyrdom reflects upon the sufferer.

The ukase authorizing this act of plunder was combined with others, limiting the number of seminarists or students for the church in ecclesiastical colleges and monasteries, and excluding all classes from taking the vow, except the sons of the nobility. The abolition of the monastic orders (for this is evidently aimed at by the ukase) may appear a wise measure to the Protestant reader; yet in a country like Poland, where these monks in many instances performed the duties of the secular clergy and parish curates, the destruction of them will be grievously felt. The measure is altogether calculated to impede the education of the clergy; and by diminishing the number of the clergy by impoverishing and depriving them of education, the government hopes to destroy their influence over the nation.

Many other decrees, and writings in aid of the same, have been issued with the view of effecting a separation between the United Greek and Roman Catholic Churches, and of tearing asunder the bond of faith which, since 1439, has existed between several millions of inhabitants, who have for so many generations worshiped their Creator according to those confessions. By one of the last ukases the clergy of the Union are forbidden to administer the sacraments to the Catholics, and *vice versâ*, as they formerly used to do, and to have in their divine service anything in common with them, as the celebration of the "Fête Dieu," kneeling at church, singing the Litany and Rosarium, the supplication, and especially preaching. In lieu of these, they are compelled to adopt the Greek sacred books, the missals, the Breviarium, and the Royal Gate, etc. etc.; in short, to conform in all to the ritual of the Russian Church. Immediately after the first partition of Poland, a million of the population were in this way torn from the Union, by order of Catherine II., in the eparchies of Mohilev and Minsk. From an official report, made in 1836, of the progress of those pious labours under the reign of the present Czar, it appears that in the eparchies of Lithuania and White

Russia, out of twenty-eight monasteries existing, eight have passed over to the Greek Church. The work of conversion, however, seems not to have prospered so much among the peasantry, since of 1248 parishes, with 1722 secular clergy, not more than eight parishes could be prevailed upon to abjure the faith of their forefathers. From accounts that have reached us since, it would nevertheless appear, that the whole of the Unionists in the government of Minsk, where they were most numerous, had abjured their former creed—if abjuration that can be called which is extorted by force; but that the clergy in the governments of Grodno and Bialystock still make the firmest resistance, and some curates have sealed their faith with their blood in a manner worthy of the martyrs of old. In this pious work, of which Europe has scarcely heard anything, being as usual much in the dark about most matters concerning Russia and the real tendency of her designs, the labourers are not ordained churchmen, of whom it might be supposed that they would first try to convince the Unionists, by showing the superiority of their creed over others; this would be too round-about a mode of proceeding, and one for which Russia knows her boorish clergy are not adapted;—they, therefore, are permitted only to perform the subordinate part, whilst the real actors in this apostolic office are military governors—Trubecki in Lithuania, Muravieff in the districts of Bialystock and Grodno.

The nomination of a priest to a vacant parish formerly depended upon the Consistory, but pursuant to a new ukase it is henceforth to rest, in the case of the Unionist clergy, with the governor-general, the bishops being permitted to recommend three candidates, from amongst whom he is to choose one. Thus a raw Muscovite drilling-master, as these military commanders usually are, is considered a more competent judge of the fitness of a spiritual instructor for his office, than his bishop and the whole faculty of divinity. But religion in Russia, as we have endeavoured to demonstrate, is only an engine in her state policy; it is a department in the empire, like that of the police; indeed in many cases priests are required to act as police-men.

With the view of superseding any communication with Rome, a special ecclesiastical consistory for the church affairs

of the Union* has been annexed to the Russian Holy Synod at St. Petersburgh, and the young candidates for orders amongst the Unionists are enjoined to make their studies only at the University of that capital. These studies used formerly to be completed at the Catholic university of Wilna.

Bishops and others who help to promote this separation of the Union from Rome are rewarded with preferments and honours. By an imperial rescript of the 13th April, 1838, Ioszif, one of the bishops of the Union, was decorated with the order of St. Vladimir for "his zeal shown both in the "ecclesiastical seminary and the whole eparchy entrusted to "his care, and especially for the activity he had evinced in "re-establishing such ancient customs in the Union as most "approximated it to its eastern origin."

As regards the regulations concerning the appointment of civil functionaries in public offices, it is ordered by an ukase of 1837, (Art. 6,) that persons in the western governments, (more plainly Poland) shall not be admitted to any of the high offices in ministerial departments without having served five years in the interior of Russia, unless they be of the Greek Church or of the Union. This peculiar respect and favour shown to the latter should not be lost on the attention of the reader; it has not, however, done much towards conciliating the Unionists themselves.

Even concerning so frivolous a subject as the "Chapter of Russian Orders," and the comparative merits of those "crachats" and ribands of different width and colour, which only the Czar of Russia and his slaves are able to appreciate, there exists a recent ordinance in which the reader may easily detect the vindictive spirit turning its envenomed sting

* That consistory has since been abolished by an ukase, issued in March 12th, and the management of its ecclesiastical affairs entrusted to the Holy Synod, which is tantamount to doing away with all distinction between the Unio and the established Russian Church. The execution of the ordinance was to commence with the 1st April last. The *Journal of Francfort*, (No. 112.) a publication in the Russian interest, represents this event as having taken place in consequence of the "most urgent prayer of the people, *en masse*, that they might be permitted to return to the bosom of a faith which they had long considered as a pledge of their salvation, and esteemed as a sacred bequest of their forefathers." Letters received from the spot, deserving of implicit credit, and to which we give place in this article, assert quite the contrary; speak of violence, incarcerations, torture and deaths.

against everything Catholic. It should be remembered that the nobles of Russia are divided into fourteen classes, and that orders confer on their possessors, not only nobility, but also its different degrees. The ukase consequently announces that persons, military and civil, who obtain a Russian order and are of the Greek Church or of the Union, or Protestants, shall thereby acquire an hereditary nobility, but those who are Roman Catholics shall acquire only a personal nobility. Furthermore, there being a Polish order of St. Stanislaus, so named after the patron saint of Poland, the Emperor, by the same ukase, placed it lower in the chapter than it formerly stood. We are at a loss to determine whether this was meant as a degradation to the saint of Poland, who has but ill protected that kingdom, or as a compliment to the saints of Russia, who have protected her too well. The Virgin has been treated with no greater ceremony by the sycophants of the Czar; and after being for ages celebrated in the liturgy of the Polish Church as the "Queen of Heaven and of the crown of Poland," this epithet, which we believe is given her in other countries, as Spain and Hungary, was discovered to be an awkward interference with the Emperor's title to the kingdom. The old liturgy, of course, was put aside with the prohibited books, if not, for aught we know, actually burnt as heretical, and a new *editio purgata* of it was ordered to be printed, in which the poor Virgin is shorn of her "Crown of Poland." Even heaven itself is forbidden to interfere with the conquests of Russia: what can treaties and protocols avail?

In the ukases concerning the estates confiscated in Poland, and distributed as entailed property among the Russians, the Russo-Greek religion is imposed on the new proprietors and their heirs as a *sine quâ non* of possession. Some foolish apologists of Russia justify this proceeding, on the ground of its being that which England had adopted towards Ireland; as if all history were to be ransacked in order to supply the czars with disreputable examples and excuses for all the evils which they heap on Poland. These short-sighted persons seem to forget, also, the evils that very act has brought upon England, and do not foresee those which the Czar may yet entail upon his posterity.

The last and most arbitrary of all the ukases, but which is in perfect accordance with Russian policy, is that respecting "mixed marriages*." It most strictly enjoins, in the case of *either* of the parents being of the Greek religion, that all the children, male and female, shall be educated in the same persuasion. This is only a modification of an ancient ukase, or rather ordinance of the Russian Church, prohibiting all intermarriage with heretics, the rigour of which had been relaxed under the czars, so as to allow of such unions under conditions advantageous for the orthodox church. This law relates not only to Catholics but to Protestants, and all denominations of Christians. However unjust, it was tolerable so long as the consequences of such an union were at the option of the marrying parties; but the pressure of it began to be deeply felt and abhorred in Poland, when this measure, combined with many others, was made a means of proselytism to a foreign religion, and of drawing the bond of servitude still tighter round the necks of the inhabitants. Mixed marriages are now encouraged among the peasantry by pecuniary rewards, and among the gentry by the promotion and preferment of the marrying couple.

These are some of the recent ukases and measures by which the mind and qualities, the motives and morals—in short, the real character of the Emperor Nicholas may be more correctly estimated than from all the corrupt enthusiasm about his worth and excellent disposition, exhibited by historians, travellers, and even ambassadors-extraordinary at the court on the Neva. Can these gentlemen have seen or read any of the ukases just quoted? We have refrained from offering any comment upon them beyond what is necessary to make them in some degree at least intelligible to the reader; so whimsical and vindictive, so injudicious, nay almost insane, so vexatious and cruel, do they appear. If the age in which they have been composed, and by whose standards they must be tested, be taken into consideration, do they not appear as cruel and insane as any

* On the subject of "mixed marriages," an important book, prefaced by a pastoral allocution, together with the Bulls of Gregory IX. and Benedict XIV., was issued last year for the guidance of the Polish clergy and their flock, by Dunin, Archbishop of Posen, under the title, *Nauka o malzenstwach mieszanych.* It is upon its text that the opposition, as regards such marriages, to the governments of Prussia and Russia is offered.

thing that could have been written or executed by Ivan the Terrible? But Ivan too had his admirers. Once when, in pastime with his jesters, he had killed one of them, Prince Goosdeff—a physician being sent for to ascertain whether the man's life might yet be saved, he replied, "Only God and Your Majesty can restore him to life; he breathes no more." In the same spirit of adulation to her czars, Muscovy might be supposed to address Europe: "Ye have no living religion "within you: your souls will perish: God alone can save "you, and the Emperor Nicholas, with his orthodox Greek "religion."

We leave the Czar with his ukases to the unbiassed contemplation and judgment of our readers. Let us now see how the ukases work. Some instances of religious persecution have been exposed to public execration by the late R. C. Fergusson, in his eloquent and powerful speeches on Poland, in the House of Commons. A vast deal more has since been perpetrated in that unhappy country, but we must confine ourselves to the following extracts from the latest received intelligence, which resounds at times from those regions of woe like a mournful echo mellowed by distance, lest the feelings of its hearers should be too deeply wounded by the horrors of which it tells.

The facts related are the immediate consequences of the ukases, and will serve as commentaries on them.

"Berlin, November 3, 1838.—The efforts used in Lithuania for the purpose of forcing the Greek religion on the inhabitants, have completely alienated the Catholic clergy, who do not seek to conceal their hatred of those whom they consider as their greatest enemies; and they possess means of transmitting intelligence, which no government, however despotic, can prevent. I am informed that, where persuasion or menace has failed in inducing the peasants to call themselves converts, the agents of the Russian government generally give them spirits, and while they are in a state of intoxication make them sign a declaration of their having, along with their families, abjured the Catholic religion. When they again come to their senses, this step is looked upon as irrevocable; the clergy are forbidden to interfere under the severest penalties. In two instances lately, individuals in Lithuania, who had presumed to oppose those iniquitous measures, were seized, degraded from the priesthood, and then shot; and the consequence often is, that those who have signed avoid applying to the Greek clergy for the solemnization of marriage or baptism, and prefer living on in a state which must be reprobated by all the respectable persons of even that religion which it is sought to establish."

"St. Petersburg, the 4th of December.—The autocrat, far from stopping in his despotic path, as was hoped, for a moment, when it was understood that he had given the hand of his eldest daughter to a man who owes all to a revolution made in favour of liberty, continues to signalize each day of his reign by fresh persecutions, first against one, then another, of the different people who are unfortunate enough to be under his iron sceptre. At present the turn of the Lithuanians has arrived. The immense majority of the peasants of Lithuania profess the united Greek religion, which acknowledges the pope, and only differs from Catholicism in the liturgy. The czar has ordered that all the priests of Lithuania should be constrained to embrace the Russian-Greek religion. In execution of this order, imperial commissioners, escorted by strong detachments of cavalry, go from village to village, and have summoned the Catholic priests, under pain of being sent to Siberia, to conform to the Russian-Greek religion, to acknowledge the autocrat Nicolas Paulowich as their spiritual chief, and to put on the costume of the Russian ecclesiastics. These priests, thus intimidated, have yielded to force; but it should be stated, that since they have shut themselves up in their houses, and have not sought to make proselytes. The peasants approve their conduct on this head, and have sworn to persevere in the faith of their fathers, and to sacrifice their lives rather than abandon their religion. It is reported that Nicolas is preparing a rigorous edict against the nobles of Lithuania and White Russia, whom he calls incorrigible rebels."

"The Banks of the Wilia, December 17, 1838.—Everything is put here in motion, and no means, even the most violent, are left unemployed in order to degrade and brutalize the people. Efforts are making that not a word of Polish should be heard, nor a Polish book be suffered to exist, to keep up any recollection of the past. The bishops of the union, Siemaszko, Luzinski, and Zubko, are merciless in their persecutions of those of the clergy who faithfully abide by the faith of their ancestors, and abhor apostasy. Those who submit, in mark of their submission must dress and let their beard grow like the rest of the Russian priests. The curate P—— would fain have escaped the penalty of the beard and bows (poklony), yet, being intimidated, consented to the bows, but declined letting his beard grow, and refused to disown the Roman pontiff. The dean O—— persevered unaltered: neither the terrorism of the barbarian Muravieff, nor the threats of his superiors, were able even for a moment to shake his constancy. His property was confiscated, and he was deprived of his parish; but with a resignation befitting his unblemished life and character, he continued firm in the defence of the tenets of his confession, both in writing and by word of mouth; and when, amidst these turmoils, he felt his end approach, on his death-bed he cited the apostates and the tyrants to appear before the judgment-seat of God. The curate S—— has for six months been confined in prison, on bread and water: it was expected he would be prevailed upon to sign the act of his apostasy: his church was, moreover, taken from him; his wife and children left a prey to want and misery; but up to this moment we hear he has not yielded. In like manner, many masters and doctors of divinity have been sentenced to perform

the duties of menials and beadles at their consistory, and of bell-ringers at their churches, as a penalty for their firmness in the faith. Schismatics (the usual name in Poland for the Russo-Greeks) are appointed to the chairs of theology at the Catholic colleges, and one of them lectures on church history at Wilna. The Rev. Trynkowski, one of the most eminent preachers, and of the most esteemed character, lost his senses in consequence of the ill treatment he experienced in prison. Trubecki, governor of Wilna, is one of the demons of Lithuania, whom Muscovy has always had in reserve as dispensers of her barbarities. With a voice of bitter pain, the much-respected martyr one day exclaimed to that fierce monster, 'If thou hast no respect for the character I bear, be at least a man*.'

"Pray make our misfortunes and sufferings known abroad. Beseech God and men to show mercy to us; for history has never yet recorded such oppression and cruelty as we are doomed to suffer."

"*Warsaw, July* 13*th*.—You will have heard enough of religious persecution in Lithuania. At present our turn is come. The plan so openly pursued in that province appears to have of late been adopted here. It has long been the favourite idea of the emperor to see the national religion of Poland supplanted by the Greek Church,—a consummation which he thinks would enable him to keep a firmer hold of her; but he was too cautious to confess it, and neither Prince Paskewitch nor General Golovin, the former Director of the Board of Religion and Education, were fit to grapple with so delicate a subject, and rather shrunk from it from fear of the opposition which they were sure to encounter. In consequence, M. Szypow was sent from St. Petersburgh to replace Golovin, who guessed the meaning of his mission, and so zealously endeavoured to execute it, that on his last visit to Warsaw the emperor said, that of all his functionaries in Poland, Szypow alone understood him. Elated by this eulogium, he is grown insolent and overbearing, even to Paskewitch, and the latter is rendered rather uneasy by the rivalry of the new favourite. In the process of denationalizing Poland, M. Szypow has lately discharged many head-masters of the schools who were Poles, and replaced them by Russians. At each of the gymnasia a Russian priest is appointed, even where there is no pupil of the schismatic religion to require his instruction. The former custom of commencing their studies by going to church, is now done away with, under pretext that the cold damp of the churches is injurious to the health of the children, and that the time so employed was lost for study. But herein *mentita est iniquitas sibi*, for the order was issued when the warm season began. In future, the children are to attend church only on Sundays, and court-days. Alterations are going to be made in the Almanack, and all the Saints' days, which are not found in the Russian calendar, are to be struck off; of that number is the day of St. Stanislaus. In the council of state it was proposed by M. Szypow, that the children at the Jesus Hospital be baptized as Greeks, they being foundlings maintained by government; but it was declined on the

* Since this was written, the Rev. Trynkowski has been sentenced to transportation to Siberia, where he will find his grave. About fifty other victims were sentenced by the same ukase to various degrees of punishment.

ground, that the Catholic religion being acknowledged as that of the kingdom, it would be a violation of the organic statute to pass such a resolution. History is taught from the book of Oustroylov, which is introduced as a standard work at schools. The Polish clergy protested against it as full of gross falsehoods, and injurious to the national religion and morals; but the answer they received was, that they might wait until a new edition should be published in which the errors might be expunged. Instances of mixed marriages are of more frequent occurrence than they used to be; but the clergy withhold from publishing the banns and giving their benediction. Great pains are taken by the Greek bishop of Warsaw to ingratiate himself with the Basilians, they being a monastic order of the Union; and last Easter the Russian clergy visited their Church as their own, in flattery of its Eastern origin. The Polish language is neglected; if it were in the power of the Russians, they would destroy both it and the books written in it. Prayer-books are not allowed to be printed, except in the Russian language. You may have heard of an association formed among the young men for keeping up their religion and the Polish language: the sycophants of the emperor have converted this into a dangerous political plot; the members of it have recently been transported either to Siberia with confiscation of their estates, and with loss, if noble, of their rank, or sent to fortresses for various lengths of time. One of them, Mr. Wenzyk, was a native of Cracow; but the republic could but ill protect him from Siberia. Two others (Kaminski and Daniszewski) were sentenced to a year's incarceration in the fortress of Zamosc for reading prohibited Polish books. At Kiov, nine ladies of respectable families were sentenced to transportation; among them Mme. Felinska, a mother of five children. Priests who are so unfortunate as to offend the government are sent to the convents in the interior of Russia, of rigorous discipline, to do penance there. The taxation is grinding—the oppression past endurance; and if the people complain, all they get for answer is,—'The government knows no mercy,'—which is cruel, but too true, and confirmed by daily practice."

"*Livonia, in July.*—The emperor has given orders to apply the Russian law, respecting mixed marriages, to the Baltic provinces; though, according to the treaties, the Lutheran is here the established religion, and the Greek only tolerated. However, clergymen, not of the Greek Church, are prohibited, on pain of being deprived of their office, to baptize any child whose father and mother is of the Greek religion, to administer the rite of confirmation to any such child, even if the child, or both parents, should earnestly desire it; or to admit any person to the Lord's Supper who has once taken it according to the Greek rite, as such person is declared to be irrevocably separated from his mother church."

What more need be said on the subject? It is the Emperor's own deeds that have libeled him. Neither the Marquis of Londonderry's travels nor the Earl of Durham's diplomatic penetration can undo what he himself has ordered, and which has been done, and is still doing by his orders. These noble-

men, however, were mere diplomatists, and diplomacy is well known to be an arena of imposture, in which art Russia has confessedly of late borne the palm. That they should have been duped is therefore not surprising; but that his holiness, Gregory XVI., surrounded as he is by the collective wisdom of his conclave, into which enters a good sprinkling of Jesuits, should have likewise fallen a victim to Russian wiles, seems almost incredible. Yet it is even so. Whilst the Czar was actually committing the outrages on the Catholic Church which we have related, and meditating others, he nevertheless contrived to extort from the Pope, in 1832, a fulminating brief, in which the Poles were severely upbraided for "having "revolted against his beneficent and lawful authority. Your "magnanimous emperor," it was further said in the brief, "will show you his clemency and listen to our representations "and requests, to the manifest advantage of *the Catholic re-* "*ligion, which he has promised at all times to protect.*"

With this assurance the Pope contented himself, but not so the Czar. The University of Cracow was at that time undergoing one more re-organization, in addition to the many previous ones which have ruined that eminent institution of the Piasts; and in the same manner as they formerly, for their own purpose, divided Poland into three parts, and subsequently Cracow into three protectorates, have the three northern courts now proceeded to effect a tripartite dismemberment of the *Alma Mater* of that city. The faculties of philosophy and medicine were surrendered to Austria, that of law to Prussia, while Russia took divinity as her share. What a deep-laid plot of autocracy was this! No whim, no chance dictated the selection, but the sagacity of autocratic instinct, which thus pounced upon the sway over men's consciences, nay, even over their very souls, in this world and the next. The Czar's government, of course, devoted itself earnestly to divinity. It filled the chairs of the Polish colleges with *orthodox* preachers, changed the Liturgy, converted convents and churches into military stores and hospitals, or appropriated them to the use of the orthodox clergy. Some of the aged priests were sent to Siberia, and the younger ones were marched off to the army of the Caucasus as recruits.

When any of the banished Poles fell ill on their w to the mines, and asked for a confessor, a Greek priest was sent to them; "a slave has no religion but that of his master," was the answer vouchsafed to the recusant. Two Catholic universities were abolished, together with a number of schools within their jurisdiction, there being better schools in Russia, whither Polish parents were at liberty to send their children, since in Poland they were only educated as rebels. The cadets from Kalisch were marched off to Petersburgh, and a number of children kidnapped as orphans for Russia. The wives of political exiles might be absolved from their matrimonial vows on condition of marrying a Russian. Two bishops, Skorkowski of Cracow, and Gutkowski of Podlachia, who opposed these and other outrages, were divested of their episcopal sees; the one was obliged to seek an asylum at Tropau, the other is living at Ianow on the charity of his former diocesans. Yet the names of these heroes in the spiritual warfare against Russian despotism are scarcely known in Europe; hardly has a vague report been heard of them, though Germany and Rome and the whole of Europe are absorbed by a somewhat similar question, mooted by the archbishops of Cologne and of Posen. Is the Catholic flock in Prussia different from that in Poland, or is its situation more critical because it has to contend with a Protestant monarch instead of a schismatic sovereign, who with equal insolence tramples under foot both the Catholic and Protestant creeds? Diplomacy might solve the problem, but that lamb-like patience and stupid indifference make us wait too long for the answer. Since 1825, the year of the accession of Nicholas to the throne, the archives of Rome have not been increased by a single official communication from the Catholic church in Russia; and it is probable that none will be forwarded thither during this reign. For fourteen years the church of Poland has been altogether neglected and delivered over to the tender mercies of the patriarchal Czardom of Muscovy, to enjoy as she may the advantages arising from such protection. This being the case, highly creditable are the efforts of those Polish prelates who stood up as champions in her defence.

It may not be uninteresting to see how the struggle between

the church and the government was conducted. The case of the Bishop of Podlachia will suffice. The circumstance which led to it was as follows:—

Six thousand peasants from the interior of Russia were brought to Poland, and employed in the construction of the citadel of Warsaw, and the fort of Modlin. The fortifications being completed, the sum of one hundred roubles was given to each of them, and they were then distributed through the Polish villages, with the double purpose of acting as spies, and forming, by intermarriages, the nucleus of a Russo-Greek population. Under various pretexts their numbers were to be increased from time to time. On the other hand, the Poles who are transplanted to Siberia and the military colonies, are married to Russian women, and thus they lose, not only their country but their religion. This measure provoked opposition on the part of the Polish clergy, and the Bishop of Podlachia published a pastoral letter enjoining the priests in his diocese to withhold their sanction from all mixed marriages, enforcing his injunction in the words of St. John Chrysostom: "When "you are to render to the Emperor what is his, let these words "be understood as meaning only that which is not injurious "to devotion and religion; for whatever is contrary to your "faith and to your virtue is not a tribute to the Emperor but "to the Devil." The director of the board of religion and general instruction, General Golovin, expostulated with the bishop and threatened him with the worst consequences to himself. To his letter, dated the 22nd of June, 1835, the Bishop replied on the 28th of the same month. "As regards "the charges brought against me," says he, "how should "I have answered but by appealing to the authority of the "fathers of the church, and declaring that all such matters, "being of a spiritual nature, cannot come within the juris-"diction of the temporal authorities? In vain the govern-"ment pleads the adoption of the same regulations in the "rest of the dioceses in the kingdom of Poland; the number "of the clergy that may follow them is but very small; and "granting that those provisions were adopted by the whole "of the ancient orthodox Poland, they are even then, in com-"parison with the whole Catholic Roman Church, the canons "of which I have the honour to respect, but like a small

"stream to a vast ocean." After a quotation from St. Anastasius of the words addressed by the Christian bishops to the Emperor Constantius admonishing him not to interfere in the affairs of the church, nor to assume the authority of command, but rather to learn from it that the power he held from God was over the empire only, and not over the church, he concludes in this bold tone: "Whatever the government may have resolved with respect to me, shall, being foreseen, not terrify me; and I am prepared rather to bear up under any sufferings, than alter in any way my pastoral conduct in matters which are so deeply implanted and in accordance with my religious convictions."*

Such being the conduct of Russia towards Poland, it may be asked whether she will not pursue, or has not pursued, the same towards other countries. She certainly has already, and will continue to do so, for her system is uniform. She first saps their foundations in order to weaken the superstructure and ensure their ruin. Did she not undermine Turkey through her co-religionists the Greeks, by affording protection to their fugitives and education to their children in the Russian capital; until she ended by erecting Greece into a kingdom, and giving her a king of her own choosing? Is not Athens at this moment a demonstration against Stamboul? The Patriarch of Constantinople,—a mere creature of Russia, ever ready, at the Russian ambassador's call, to thwart any measure of the Divan which may not be in accordance with the views of Russia,—has he not, only lately, interfered with raising recruits among the Greeks for the Turkish army, with the progress of education, as not being sufficiently orthodox†, and with the mar-

* Since writing this, news have arrived from Warsaw, which we would fain believe not true, that this bold and unyielding prelate has been dragged off to Siberia, because he expostulated with the government against teaching the youth at school Oustroylov's Russian History, and menaced, if the government should not remove so injurious a book from the schools, to resort to the last means in his power,—the excommunication of both the teachers and those who learn from it.

† "*Constantinople, April* 24.—Russia evidently works to effect the ruin of all the establishments tending to instruct or raise the people. There exist in all Turkey but 10 colleges, and already the intrigues of the Greek patriarch have succeeded in closing the Armenian College of Koskay, which contained 200 pupils, Armenians, Greeks, Turks, Italians, French and English. The College of Halkey would have shared the same fate, had it not been for the devotion of several Greek merchants, who furnished the necessary funds to support the enterprise, shaken by the accusation of Protestantism which has been laid to its charge. The Greek patriarch, evidently devoted to the Russian policy, has sent some ignorant

riages of Greeks with Franks, or even Slavonians, when it has not suited the views of the Czar, as in the case of the Prince Vogorides of Samos? Have not Moldavia and Wallachia been placed in the degrading state of dependence on Russia in which they now are, by the Fanariotes or favoured Greek families? Were not the previous disturbances in Turkish Servia connected with Grecism, or even Slavonism, which is a new element of power for Russia, as yet but little developed and still less understood in Europe? and is not the present expulsion of her ruler, Prince Milosch, owing to the intrigues of the Russian consul-general; and the surveillance under which he is held, at Bucharest, by Prince Ghika, one of the most devoted creatures of Russia, attributable to the benumbing spell she extends over those hospodoriates? On the eve of the outbreak of the insurrection in Bosnia in 1836, did not the Bosnian families seek an asylum with Prince Milosch, bearing along with them images of the Empress Catherine and the Emperors Alexander and Nicholas, whom they considered as the heads of their church and almost their household gods?

The power of religious associations over minds uncultivated and rude is beyond all conception,—and Russia never fails to turn this power to account. Portraits of the members of the imperial family are found everywhere in Turkey, from the palaces of the rich to the cottages of the poorest Greeks! Their churches are adorned with images of the Virgins and Saints, with candelabras, censers, lamps of gold and silver, and their priests officiate in splendid vestments, the gifts of the Russian emperors. The so-frequent troubles of the Albanians and Montenegrins are attributable to no other source than the Russian tendency of their priests, who teach the people to hate the Turks as infidels, *and the Austrians as Latins.* The same intrigues are attempted throughout Illyria and Dalmatia. Notwithstanding all the freedom the Ionian Islands enjoy under our rule, Sir Howard Douglas, the governor of them, has to do with a strong Russian party, which, after Capo d'Istria's death, lay dormant, but is now again

priests from the monastery of Santo Monte near Salonica. These missionaries openly preach in the Greek houses against the profane College of Andros."—*Times, May 17th*, 1839.

awake, and the sole object of which is the transfer of the Ionian possessions to Russia. Moreover, the populations along the Carpathian mountains were impregnated so deeply with adherence to Grecism, as to have alarmed the Hungarians during the late Polish revolution, for their own safety. In fine, is not there a tribe called Raitzens, who are all of the Greek persuasion, and who get their church books, amounting nearly to a hundred folios, from Russia, mostly gratis, being too poor to buy them? These are a few statements relating to matters of fact, which, judging from their nature, are likely soon to become the nucleus of great events. We have here confined ourselves to a few hints as to what may be the starting-points in the future scene of action.

On the Asiatic side of Russia, public documents show that conversions are going on from religions and sects decidedly Christian, though not sufficiently so in the sense of the established Imperial church. An imperial rescript of 1837 awards a silk vesture to a priest named Korienski, and a cowl of the same material to another priest, Woznoszenski, both of the town Rylsk, in government Kursk, "for their zeal "in converting some turbulent sectarians to the orthodox "church." Of what persuasion these were it is difficult to determine. In all probability they were German Protestant colonists, of whom there are about half a million dispersed in different parts of Russia, and especially in the southern governments on the Black Sea and on the Wolga; who in different reigns have settled there, under a guarantee of religious freedom and exemption from military service and payment of taxes for ten years, and who may have been made refractory by the exactions of the government since the expiration of the term. Of these settlers, those who live in the vicinity of the Tartars are described by travellers as being on the most friendly terms with these, while those who live with the Russians are most inimical to them. This hostility is accounted for by the incompatibility of their religious worship with the Greek ritual—the simplicity of the religion of the Moslem corresponding with the Protestant rites better than the idolatrous gorgeousness of the Russian Grecism. The foreign missionary labours of the Protestants among the Tartars, which were encouraged under the reign of Alexander, have,

since 1836, been entirely forbidden, on the ground of the missionaries having converted Armenian children to Protestantism, the only conversions countenanced being those to the church dominant. Amongst some of the Asiatic tribes, and particularly the Kirghies, the custom prevails of selling children in the public markets: these children are bought by Russians, baptized and incorporated with the Cossacks of the Don. Apostolic missions are of the easiest description in Russia; without any further instruction the ceremony of baptism is thought sufficient to make a Christian adept. There are instances of the mere existence of some Christian tradition amongst a people being reckoned sufficient; thus, the Abshases, a Heathen tribe of the Circassians, pass for Christians, because they celebrate a certain festival at Christmas, and, like the Russians, eat coloured eggs on Easter-day; of course the Russian right of political dominion also extends over that tribe. This right is not unfrequently of so hyperbolical a nature, that, as interpreted by Russia, it would appear to be without limits. In the present year, a fanatic sheick, in a moment of religious frenzy, had the misfortune to shoot a Greek priest at Cairo, and the Russian consul demanded his immediate punishment. Political agents are instructed everywhere to watch over and favour the interests of all the Eastern churches, while the Russian Church is making ravages amidst Mohammedanism, Buddhism, and the followers of the Great Lama. At Pekin a mission from the Russo-Greek Church has existed since the reign of Peter the Great, and we find it averred that upwards of 300,000 Chinese have become converts. Thus while symptoms of hatred to England are described as increasing daily, Russia is winning her way to the bosoms of the people. There exist several vicariates of her church at Nankin and Makao; and at Pekin, moreover, a Russian college, a seminary for young men, whose knowledge of the Chinese and of their manners will qualify them for diplomatic offices, tending eventually to destroy the influence of all other nations over the Celestial Empire.

This collection of facts will show pretty clearly to what extent religion and state policy go hand in hand in Russia—with what potency they act, internally upon her own subjects, and externally upon the destinies of her neighbours—and

lead in general to the following important conclusions: That the Russo-Greek religion, in seceding from the principles of "absolute truth and absolute purposes," which, as religion, it is bound to uphold in all their purity, has thereby for ever vitiated its Christian essence. That the hierarchy of that church, in allowing the higher principle of religion to be subjected to the inferior, as is state policy—the spiritual to the temporal—has rendered that branch of its faith unfit to be regarded as sound doctrine and rational rule of conduct for a Christian community. That Russian Grecism, from having been corrupted at its very source, and rendered less a spiritual principle than a mere external ritual, has not only contributed less than any of the other Christian persuasions to promote civilization and philanthropy; but that, on the contrary, from being a thrall to state policy under a despotic dynasty, it has ever assisted the temporal authority in enslaving the minds and consciences of men, and in deadening all nobler impulses and aspirations. That from being the religion the least enlightening and humanizing of all modes of Christianity, it has become the most fanatical and intolerant, and in virtue of both its canons and the laws of the country, the most eager to encroach on others by a narrow spirit of proselytism. That in having a political chief for its head, it has, by concentration in his person of the spiritual and temporal power, extended his political influence far beyond that of which monarchs, who govern merely by civil institutions, can boast. That politicians, in comparing the power of their respective countries with that of Russia, have taken into account only those elements which they have in common, but have omitted to calculate those by which they become inferior to her, amongst which religion is, unquestionably, in a rude population like that of Russia, the mightiest, and available to the Czars both for their territorial encroachments and for keeping the subdued populations in subjection. That as long as religion and state policy continue undivided in their hands, there can be no hope that pure Christianity and political freedom will be established in Russia, or that religious and political liberty will be secured to Europe. That the paramount influence she has acquired over the international interests throughout the globe, tends to sow dissensions among nations,

and to keep up the flames of political and religious war. And that, lastly, there is no hope of a lasting peace in the world, or even in Europe alone, until Christianity, purified in its essence and equally diffused among the nations, shall have bound them all in one indissoluble tie of brotherhood and friendship, to which consummation Russia, from want of Christian principle, has always been and will be opposed, until compelled by the combined efforts of Christian Europe to yield to the universal interests of nations and mankind. To effect this, Europe must look, whilst it is yet time, to her own energies, intellectual and physical, for aid, or she will, body and soul, in her temporal and spiritual concerns, become the abject thrall to Russia.

END OF NO. XVII.

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THE

BRITISH AND FOREIGN REVIEW.

Article I.

Life of Joseph Brant Thayendenegea: including the border wars of the American Revolution, and sketches of the Indian Campaigns of Generals Harmar, St. Clair, and Wagne; and other matters connected with the Indian relations of the United States and Great Britain from the peace of 1783, *to the Indian peace of* 1795. *By* William L. Stone. New York: Dearborn and Co., 1838.

It is not denied by the stanchest friends of the Americans, nor even, we believe, by themselves, that the contributions of that country to the common stock of literature, science, and the ornamental arts have by no means equalled the expectations entertained by some of their neighbours. This we say neither unadvisedly, nor without a considerate qualification of respect. We do not fortify ourselves behind the exploded French theory, that nature, including man himself, body and mind, has degenerated in the Western world. We make no reference to any old questions concerning the several effects of different political institutions on the intellectual character of communities among which they exist. We neither forget nor undervalue what our trans-atlantic kinsmen really have done, or attempted, or begun to do in the departments mentioned above. We remember not the Franklins and Rumfords only of other days, but the Sillimans, Cleavelands and Bowditches of these; the Irvings, Browns and Coopers; the

Wests, Newtons and Leslies. We bear in mind, moreover, a long list of practical improvers and inventors, at the head of which stand the names of Fulton and Whitney on that side of the water, as those of Watt, Arkwright and Cartwright on this; and we render a just consideration to those circumstances in the history and conditions of the United States which undoubtedly constitute the actual reason, if not the abundant justification, of the deficiencies complained of.

The plain fact is, they have had no time to amuse themselves, as Themistocles would have said, with "playing the flute." The great practical necessities, and the equally great practical opportunities, peculiar to America in so extraordinary a degree, have occupied almost the whole intellectual as well as physical force of her sons. Rich natural resources for the cultivation and employment of the highest species of refined intellect have been theirs. A glorious external creation has held out temptations to their genius and taste only inferior to those which it offered to their avarice, their ambition and their restless enterprise. The realms of universal science have lain as open to their adventurous and laborious spirits as the prairies themselves. Even their patriotism, the honour of their favourite institutions, might be thought to be involved in this question of letters. But all was in vain. The practical has triumphed over the imaginative; canals and rail-roads, cotton-gins and steamboats, land-clearing, fortune-making and electioneering have driven the muses from the field.

This result is less to be wondered at than regretted. It must be borne in mind, that in such a community, talent which yields to the prevalent impulse, finds not merely the genial practical scope it instinctively seeks, not alone the pecuniary or other matter-of-fact recompense which may be among its desires, but distinction, popularity and fame. It is one of the necessary incidents to this practical tendency in a people—one of the minor effects of the great causes which have produced such a character in them—that they give their laurels almost exclusively, and it may be with enthusiasm, to candidates for honours whose pursuits and spirits are entirely kindred with their own. It must be so; nor does it argue a want of intelligence, or even of taste—any more than it does of energy, patriotism, or ambition. Such a community *may*

appreciate the true glory and beauty of the highest condition of literature and the arts, as they elsewhere exist. The people of the United States are not ignorant of, nor insensible to, the universal voice of civilized mankind, upon these matters. They are quite as much elated as we are at the thought of what their English ancestors have accomplished;—they boast as much of *their* Shakspeare, *their* Milton, *their* Bacon as we do. There is a general diffusion among them of elementary education. They have the easiest access, through the cheapness of every kind of publication, to the literature and history of other nations. Every motive to a spirit of sympathy or emulation, which the annals of other ages or the examples of this can suggest, acts upon them. And yet, as we have said before, all is in vain!

We will not say things ought to be with them as we have described them, but they must by all reasonable minds be expected to be so. A people thus involved in what they call practicalities, cannot afford to "play the flute." Their cities are to be built first. They must lay the foundations of the great temple of national grandeur in subterranean, inglorious work, in common-place substantial brick and stone; then only, when the walls of this structure shall be fairly reared upon such a basis, will it be time for Grecian graces to flourish over the columns of its piazzas, and for its halls and galleries to be filled with the rare treasures of nature, the curiosities of antiquity, the trophies of science, and every splendid specimen of literature and the highest arts. But meanwhile there must be patience, and perseverance, and hard hot work. The drudgery must be gone through with. The qualities and talents suitable to its accomplishment must be in esteem, as they are in demand. The premiums given by such a public must be awarded to the most useful, to those whose capacities tell most, and most directly, upon their present condition and wants.

We have been led into these reflections by the title of the work before us. Before we enter on an examination of its merits, we think it fair to dismiss our preliminary observations with the remark, that, seeing the current which literature in America has to contend against, and believing that, from the nature of the causes which produce that influence,

it may yet be long ere those discouragements and disadvantages will be essentially diminished in the nation at large (especially as from the extent of its dominion this anti-literary leaven must be continually kept in active operation by crude communities, ever excited, hurried, and full of change); still we think we have noticed of late in various quarters welcome symptoms of amelioration of this state of things. Among others we may mention the exploring expedition now, —after long delays indeed, and not without a good deal of shuffling which does no especial credit to the existing Federal administration,—actually fitted out, it would seem, for the South Seas. We are not aware that anything of this kind has before been undertaken by that government; and in this respect America has been in the rear of all other mercantile nations. Mr. Jefferson during his presidency got up an expedition overland to the Rocky Mountains; and the journal of its leaders, Lewis and Clarke, proved an interesting addition to our stock of knowledge. We apprehend this to be nearly the entire history of American national enterprise in this department, though few countries have enjoyed either better opportunities or more abundant means of extending in this way the bounds of science. We hope the expedition we refer to, sustained as it has been by the various co-ordinate branches of the government, may be taken as the pledge of a new and spirited career.

The appearance of works like this before us is another such symptom.

The richness of the whole ground taken up by Mr. Stone, filled us at the very first glance, we confess, with expectations of a work of high romantic interest,—romantic, but yet authentic; the interest of that truth which is 'stranger than fiction.' Nor were these expectations lessened, when, having read his Introduction, we found that he himself fully appreciated the fertility of his subject. Of a large part of his narrative the scene is laid in the extensive valley of the Mohawk (in the State of New York), at the period of the revolution a frontier country, and still one of the loveliest of lands. There is a kind of truth in the assertion that such a country must have a history as rich as the verdure that shines on its hillsides or the harvests that wave in its fields. There is philo-

sophy in such an hypothesis; and thus indeed it proves. Seven years prior to the landing at Plymouth, and but seven subsequent to the earliest of the American settlements (at Jamestown, in 1607), the first fort of the Dutch had scarcely been built at what is now Albany, when parties of the countrymen of its founder, Christacus, entered the lower end of the Great Valley. Hence, says our author, they "*pushed* "their settlements up the Mohawk on the rich bottom-lands "of the river." Still beyond this, *over* the "broad and beau-"tiful garden of the whole district known as the German "Flatts," setters poured in from the old country which gave this new one its name. Three thousand from the Palatinate, for example, in 1709, went over, under the patronage of Queen Anne. Most of these *sat down*, as the phrase was, in the glorious country just described. Some disagreements, however, the author intimates, arose among them; and what then? why, "*pushing further westward* beyond "the Little Falls, they planted themselves down upon the "rich alluvial flats at the confluence of the West Canada Creek "and the Mohawk." The great martial tribe, who have left their name behind them as their sole monument, the Mohawks, commonly considered the leading member or 'uncle' of the renowned confederacy of the Five Nations* whom Colden in his history has styled "the Romans of the West;" these powerful savages still occupied the upper extremity of the valley in great force. Ancient allies of the English, they were continually at war, on the one hand with the Canadian nations in the French interest, including the warlike Algonguins; while in every other direction over the forest region, so widely had the terror of their prowess spread, that they dared to lay a claim, which no neighbour ventured to resist, to the whole undefined but immense back-country south of the Great Lakes. "I have been told by old men in New "England," says Colden (an early writer), "who remembered "when the Mohawks made war on *their* Indians, that as "soon as a single warrior was discovered in their country,

* Elsewhere called the *six* nations. Our author uses both terms; and each may be correct. We believe the truth is that they were five originally, but that a new tribe, the Southern Tuscaroras, was taken into the confederacy in comparatively modern times. The French called them the *Iroquois*.

"their Indians raised a cry from hill to hill, *a Mohawk! a* "*Mohawk!*" upon which they all fled like sheep before wolves to the Christian houses, the enemy often pursuing them so closely that they entered along with them, and knocked their brains out in the presence of the whites. Here then, were neighbours worth having; that is, if it pleased them to be amicable, as to the English it always did; and here was a country fit to be the theatre of a grand romantic drama of real life. How could anything less than a history, magnificently rich in originality, adventure and excitement, grow up on such a soil? How could one but do justice to such theme, who, as our author says of himself, had spent his early years there, at a period when the events of the Old War, "*which nowhere else raged so furiously,*" were fresh in the recollections of the people? and "many a time and oft" he listened to these recitals with thrilling interest. "Nor," he well might add, "was the interest of these verbal "narratives diminished by visiting the sites of the old forti- "fications, strolling over the battle-fields, and noting the "shot-holes in the walls of such houses as had stood out the "contest, and the marks of cannon-balls upon the trunks of "trees, yet remaining on fields which had been scenes of "bloody strife!"

The tenor of the foregoing remarks must have shown, that our expectations of interest in the perusal of our author's pages have by no means been disappointed. It could hardly be otherwise. His subject, though it is not very formally announced or very rigidly adhered to, may be called on the whole the History of the War of the Revolution "West of Albany," as he somewhere has it; that is, in other words, almost the whole of the genuine and extraordinary *border warfare*, which constituted so considerable and so important a portion of that contest; the broad and bright embroidery, forming the setting of a texture only less historically attractive than itself.

Much of this is an Indian fabric. It is a gorgeous exhibition of the qualities by which that singular people have been most distinguished. It shows their strange cunning, their savage science, their matchless hardihood and fortitude, their wild fearful prowess, as displayed under that excite-

ment of war which seemed almost their natural element, as it certainly was but too much their supreme delight. It shows too, it is just to say, some better qualities, for which the race has had scanty credit allowed them. These were developed under the same inauspicious stimulus. They grew luxuriantly, as it were on the same stem, with the harsh fruits of an educational system, to which, barbarous in some respects as it was, we venture to say the annals of the Spartans themselves have scarcely afforded a parallel, in the systematic and scientific severity of its discipline, and especially in the astonishing faculty of self-management, which it chiefly sought for and always produced.

So wonderful indeed were the results of this drilling, both the conception and application of which imply in themselves intellect of no mean order, that many writers have felt compelled to attribute to nature what was in fact the product of education. Hence theories about the original physical insensibility of the Indians, than which nothing can be more absurd. Even in civilized society we see the extraordinary effects of muscular diet, exercise, and exposure; not to say anything of the effect of pride or honour in inducing the concealment of pain actually felt. The pedestrian, the prize-fighter, the Highland soldier are proofs in point. The Indian, it must be remembered, was always and altogether in *training*, mind and body, from that moment of his infancy when he was first plunged into the running brook by a mother, not less scrupulously exact or less fondly anxious in her management than any whose affection beats under a whiter skin or shows itself in actions of less unflinching spirit. With these Indians, in the days we refer to, war might be considered the sole business of existence, the "chief end of man." It was so with them from the first, almost by necessity of circumstances. New provocations, inducements, and opportunities occurred after the commencement of the various European settlements. Such too were the Indian notions of the allowable and even manly mode of conducting wars, that they often became, not efforts merely for the obtaining a transient distinction, or a tract of hunting-ground, or even to cripple the enemy in such a manner as to disable

him from future power of annoyance, but even wars of extermination—struggles for existence itself.

Under these circumstances, had the North American savages been a careless, stupid, indolent, enfeebled people, slow in conceiving suspicion and quick in forgetting it, having no codes of national and martial etiquette, no *esprit-de-corps*, no personal or professional sense of honour; still it is evident, the circumstances we have mentioned above, as well as the general or relative situations of the tribes at large, must have furnished continual and almost irresistible inducement to war, and of course to that discipline, which thus became the indispensable and principal habit, accomplishment, safety and pride of every male member of a tribe. But in truth these savages were and are in their way the most sensitive, the most punctilious of men. They had their cherished traditions of glory; their perverted but conscientious notions of just revenge as well as of never-forgetting gratitude; their proud rude joy in bold adventure, in skilful stratagem, in the gleaming of tomahawks and the whizzing of arrows by night among trees. They had their chivalry in all this,—their codes.

In this, as in most other respects, the Indians have been misunderstood most grossly. Writers have too generally represented their warfare (and it is in that state they have been chiefly observed) as the crude and cruel result of gross bloodthirstiness of constitution; a mere bearish or boorish animal propensity for blood and blows, partly the consequence of reckless habits of early life, or rather of a hap-hazard, helter-skelter existence, without any habits, intention, or principle whatever running through it.

The best early writers of American history are full of these and still worse notions. Such is their hatred and contempt of the Indians, that they use the most indecent language in speaking of them. Even their best and bravest warriors are but the more emphatically marked out by such men as Hubbard for "oafs," "thieves," "brutes," and "fiends." All this is easily accounted for by the circumstances under which these authors wrote; but unfortunately they have become historical authorities; and, mixed up inextricably with both their real and pretended facts, their monstrous prejudice itself

has descended to after generations, and become extensively spread throughout the minds of almost the whole reading public of our own age. It is a great part of the Augean labour undertaken by Mr. Stone to clear history of these abuses as far as possible, and to fill their places with impartial and undoubted truth; and we take occasion to say that we know no historical writer who has accomplished (considering especially the scattered and meagre condition of his data) a more arduous, delicate, or honourable service.

We have spoken of the Indian sense of honour. The following anecdote will at once illustrate and prove our assertions:

"Among other amusements, in addition to their own native sports of running, wrestling, and leaping—their dances and songs—their sacrifices and other festivals of war and of thanksgiving—the Six Nations had adopted from the whites the popular game of ball, or cricket*. Indeed, so much attached were they to this manly exercise, that the game had become national throughout the Confederacy; and it was no uncommon thing for one nation to challenge another to play a match—upon a much larger scale, beyond doubt, than was ever practised among the pale-faces.

"A game of this kind was commenced on one occasion, in the year 1794, between the young Mohawks and Senecas, which was well nigh attended with fatal consequences. The Mohawks were the challengers. After the game had proceeded for a considerable time, one of the Mohawks, in a struggle with a Seneca for a stroke at the ball, struck his antagonist a sharp blow with his bat. The occurrence having been observed by the players, the Senecas dropped their bats instantly, to a man, and retired to their posts with silent, though evident resentment. Without speaking a word, but with bosoms heaving with indignation, they took up the stakes they had deposited, and retired to their own country, on the upper waters of the Genesee, toward the northern spur of the Alleghanies. About three weeks subsequent to the occurrence, a Seneca messenger arrived at the Mohawk village, dispatched thither by Red Jacket, the Corn-planter, and others, complaining of the insult, demanding satisfaction for the affront, and denouncing war in case of refusal. The Mohawks, feeling that they were in the wrong, were somewhat troubled at the message. Brant convened a council of his chiefs, and after consultation, a message was returned to the Senecas, proposing an amicable meeting of the chiefs of both nations, to confer upon the subject matter of complaint, with a view of healing the wound by compromise and explanation, and of course without bloodshed. The Senecas, anxious to avoid hostilities against a nation with which they had been in alliance so long, acceded to the pacific proposition, and a joint council was the consequence. Red Jacket, however,

* Hockey or Bandy we presume Mr. Stone means.

did all he could to prevent a reconciliation. He delivered an inflammatory speech, labouring with all his art and eloquence to aggravate the insult, and urging his nation to avenge the insult by an appeal to arms. But Captain O'Bail, and some others of the older Seneca chiefs, were for the adoption of a more conciliatory course. They were little moved by the exciting philippic of Red Jacket, and desired nothing more of the Mohawks than a reasonable and honourable atonement for the wrong done to their young warrior by the party offending. The proposition was met with equal magnanimity on the part of the Mohawks, and the result of the council was an adjustment of the difficulty. The calumet was smoked, and the chiefs—all save the disappointed demagogue, Red Jacket—separated upon the most amicable terms."

We have a hint in this passage, of the Indian education of which we have spoken, and to which, with the application of it in war, the whole life of the warrior might be said to be devoted; since in such a state of things the light agricultural labour of the tribe was of necessity abandoned chiefly to the women; while the chase, by which they were supported for the most part, was virtually itself but one of the most efficient forms of their training,—the closest counterpart they could have to the reality of war. The author introduces the testimony of a respectable woman, Mrs. Jemison, who was long a captive among them, to show, what is indeed well ascertained, that these athletic games and exercises were practised with the express view of perfecting the suppleness of their bodies, or at least preventing any relaxation during peace of that high fighting order which was so much wanted, and might be so suddenly called for in war. In this manner also the tribe had an opportunity to make their selections of martial leaders, or to prepare their judgements for so doing. Thus did this shrewd people make everything subordinate and subservient to military excellence. Civilized, self-civilized they certainly were to a very considerable extent, particularly the Six Nations; but unfortunately this civilization was valued and used almost exclusively as a system of soldier-making. For this end, and this only, and so far only as they thought indispensable to its accomplishment, their proud spirits submitted implicitly to the unparalleled process to which we refer.

The reader who has followed us thus far in our development of the real Indian character, will be interested in knowing that three years after the game mentioned above the same

two nations contended again. Mr. Stone's description of this contest, which may be taken as a fair specimen of his style, is one of a thousand which might be cited to show that nothing can be more mistaken than the notions commonly entertained of the dull or apathetic character of the red men. It throws new light also on the extent to which the game itself was encouraged. There is no reason to doubt that similar contests were of continual occurrence between the various tribes, probably sometimes between parties who on other occasions encountered each other in war. In this case our informant is the same as before. He was at the time a guest of Brant, and was by him invited to see the amusement. The game was played in a Mohawk village, the Senecas being now the challenging party.

"The place selected for the trial of strength, agility, and skill, was a broad and beautiful green, of perhaps one hundred acres, perfectly level, and smooth as a carpet, without tree or shrub, or stone to encumber it. On one side of the green the Senecas had collected in a sort of irregular encampment—men, women, and children—to the number of more than a thousand. On the other side the Mohawks were actively assembling in yet greater numbers. The stakes deposited by each party were laid upon the ground in heaps, consisting of rifles, hatchets, swords, belts, knives, blankets, wampum, watches, beads, brooches, furs, and a variety of other articles of Indian utility and taste—amounting, in the whole, according to the estimate of Captain Brant, to upward of a thousand dollars a side. By the side of the stakes were seated a group of the aged chiefs—'grave and reverend seignors,' whose beards had been silvered by the frosts of many winters, and whose visages gave evidence of the toils of war and the chase.

"The combatants numbered about six hundred upon a side, young and middle-aged men—nimble of foot, athletic and muscular. Their countenances beamed with animation and high hope. In order to the free and unfettered use of their sinewy limbs, their persons were naked with the exception of a single garment like an apron, or kilt, fastened around the waist, and descending nearly to the knee. The area of the play-ground was designated by two pair of 'byes,' placed at about thirty rods distant from each other, and the goals of each pair about thirty feet apart. The combatants ranged themselves in parallel lines on each side of the area, facing inward, and leaving a space between them of about ten rods in breadth. Their bats were three feet six inches in length, curved at the lower end somewhat in the form of a ladle, the broad part for striking the ball being formed of net-work, woven of thongs, of untanned deer-skin, strained to the tension of tight elasticity. The ball, large as a middling-sized apple, was also composed of elastic materials.

"On one side of the area, near the centre of the line, and in a conspicu-

ous place, were seated a body of elderly sachems, of each nation, with knives and tally-sticks, to score the game. The rules governing the game were somewhat intricate. None of the players were allowed to touch the ball with hand or foot, until driven beyond the 'byes' or land-marks. It was then thrown back by hand toward or into the centre of the area, when the game proceeded as before. Their mode of counting the game was peculiar, the tallies-men not being in all cases bound by arbitrary rules, but left to the exercise of a certain degree of discretionary power. Each passage of the ball between the goals, at the end of the play-ground, counted one, so long as the contest was nearly equal; but, for the purpose of protracting the game, whenever one party became considerably in advance of the other, the tally-chiefs were allowed to check or curtail their count in proportion to the excess. For instance, if the leading party had run up a regular count to thirty, while their opponents had numbered but fifteen, the tallies-men, at their discretion, and by consent of each other, though unknown to the players, would credit the winning party with only two notches for three passages of the ball—varying from time to time, according to the state of the game. The object of this course was to protract the game, and to increase the amusement, while despondency upon either side was prevented, and the chance of ultimate victory increased. Frequently, by this discretionary mode of counting, the game was continued for three or four days.

"The game on this occasion was commenced by about sixty players on a side, who advanced from their respective lines with bats in their hands, into the centre of the play-ground. Of this number about twenty were stationed at the end land-marks, to guard the passage of the ball. The players who were to begin, were apparently mingled promiscuously together. All things being thus ready, a beautiful maiden, richly dressed in the native costume of her people, wearing a red tiara plumed with eagles' feathers, and glittering with bracelets and other ornaments of silver, came bounding like a gazelle into the area, with the ball, which she placed upon the ground in the centre. Instantly the welkin rang with the shouts of the whole multitude of spectators, and the play began; while the bright-eyed maiden danced back, and joined her own circle among the surrounding throng. The match was begun by two of the opposing players, who advanced to the ball, and with their united bats raised it from the ground to such an elevation as gave a chance for a fair stroke; when, quick as lightning, it was sped through the air almost with the swiftness of a bullet. Much depends upon the first stroke, and great skill is exerted to obtain it.

"The match was played with great spirit, and the display of agility and muscular strength was surprising. Every nerve was strung; and so great were the exertions of the players, that each set was relieved by fresh hands every fifteen or twenty minutes; thus alternating, and allowing every player of the whole number to perform his part, until the game was finished. The scene was full of excitement and animation. The principal Chief entered fully into the enjoyment, and by his explanations to his

guest heightened its interest, which of itself, the latter declared to have afforded him a greater degree of satisfaction than any game or pastime that he had ever beheld. The contest was continued three days, at the end of which, after a severe struggle, the Senecas were proclaimed the victors, sweeping the stakes, to the great mortification of the proud-spirited Mohawks—the head of the Confederacy."

Brant, it will be observed, is spoken of as a "captain," and there is mention also of a Captain O'Bail. Both were eminent chieftains, and the title given them had been borrowed by the Indians as the highest military distinction. Brant, however, was still more legitimately authorised, according to our notions, to bear it; having, as he states, in one of his many letters to his kind and cordial patron and friend the then duke of Northumberland, borne a regular captain's commission in the British army during the revolutionary war; though at the same time he served only at the head of his own warriors, very large bodies of whom were sometimes under his command. Another of his letters, bearing no date, but evidently written during his well-known visit to England, soon after the war (in 1786), is addressed to the under-secretary, Sir Evan Nepean. A copy of it was found by the author among the chieftain's papers, which were put into his hands for the purposes of this history by the surviving members of Brant's family, highly respectable persons now residing in Canada.

"Sir:—

"Since I had the pleasure of seeing you last, I have been thinking a great deal about the half-pay, or pension, which you and I have talked about.

"I am really sorry that I ever mentioned such a thing to you. It was really owing to promises made to me by certain persons several times during the late war, that I should always be supported by the government, at war or peace. At that time I never asked any body to make me such a promise. It was of their own free will.

"When I joined the English at the beginning of the war, it was purely on account of my forefathers' engagements with the King. I always looked upon these engagements, or covenants, between the King and the Indian Nations as a sacred thing. Therefore I was not to be frighted by the threats of the rebels at that time. I assure you I had no other view in it. And this was my real case from the beginning.

"However, after this, the English gave me pay and a commission from the Commander-in-chief, which I gladly received as a mark of attention, though I never asked for it; and I believe my trouble and risques was of

equal value to the marks of attention I received: I am sure not too much in the eyes of the Indians, or I should not have accepted them, as I should be sorry to raise jealousies. My meaning for mentioning those things to you, is because I saw there was some difficulty on your part how to act on this head relative to half-pay or pension;—and when it does not seem clear, I should be sorry to accept it. Therefore I beg of you will say no more about it;—for was I to get it when there were doubts about the propriety of it, I should not be happy. For which reason I think it is best to go without it.

"I am now, Sir, to beg you will return my best thanks to Government for what they [have] done for me, and am, Sir,

"Your most obedient,

"Humble servant,

"JOSEPH BRANT."

This letter is highly characteristic of Brant. In the first place it shows to what extent he had profited by his opportunities of gaining a civilized education. These, though certainly greater than his countrymen often enjoyed, or indeed could be brought to submit to, were meagre at the best. By the suggestion of Sir William Johnson, his early and constant friend, he spent some time at the celebrated Indian school of the Rev. Mr. Wheeloch in Connecticut, which afterwards became what is now called Dartmouth College. Mr. Stone enters into some discussion as to the amount of the training he received in this establishment. It appears clear to us that it was very small so far as mere letters were concerned. This is abundantly proved by some of the chieftain's subsequent correspondence, much of which is as ungrammatical as it is shrewd; the inference being, that he gradually improved himself in this as in other departments without much aid. It ought to be observed, that some years after leaving the school in question he was domiciliated with Sir William, or at least employed by him in public business; and that when early in the revolutionary contest the baronet was succeeded in his titles and estates by his son, Sir John, and by his son-in-law, colonel Guy Johnson, in the important office of general superintendent of the Indian department in America, the young favourite was immediately appointed secretary to the latter. No doubt he was at the same time adopted into the family at Johnston-hall, one of the most splendid mansions then in the provinces; that family having in various ways, and especially by their remarkable and well-earned popularity with the Six

Nations, become possessed of the largest estates in land which were ever held by any individual in the country, with the exception of William Penn. Sir John succeeded his father also as major-general of the militia, then an office of importance as well as distinction; and this must have multiplied still more the opportunities and duties of Brant.

This intimacy was still further increased by the circumstance of Sir William's having chosen for his second wife an elder sister of the young Mohawk, a lady known in history as "Molly Brant." Sir William himself speaks of her endearingly in the letters preserved in the volumes before us, using only her Christian name. Campbell, in his Annals of Tryon county, gives her credit for a good deal of character, and especially for the care she took in the education of her children, "some of whom were respectably married." This, indeed, might be expected from the discretion of Sir William, whose judgement was in excellent repute, notwithstanding the rashness which some may think they perceive in his character from the following passage:

"The traditions of the Mohawk Valley state, that the acquaintance of Sir William with Molly had a rather wild and romantic commencement. The story runs, that she was a very sprightly and very beautiful Indian girl of about sixteen when he first saw her. It was at a regimental militia muster, where Molly was one of a multitude of spectators. One of the field-officers coming near her upon a prancing steed, by way of banter she asked permission to mount behind him. Not supposing she could perform the exploit, he said she might. At the word she leaped upon the crupper with the agility of a gazelle. The horse sprang off at full speed, and, clinging to the officer, her blanket flying, and her dark tresses streaming in the wind, she flew about the parade-ground swift as an arrow, to the infinite merriment of the collected multitude. The Baronet, who was a witness of the spectacle, admiring the spirit of the young squaw, and becoming enamoured of her person, took her home as his wife."

Our author says of this lady, that the successors of Sir William, who certainly did not inherit his extraordinary influence with the population, either red or white, near and among which he lived, yet derived *essential aid* from "Miss Molly," who was "a woman of talents as well as tact, and possessed great weight among her own people."

Such were, in reality, the scenes of Brant's early education, so far as civilization was concerned; and as to his Indian

training and his chieftainship, we shall have occasion to show that he had begun to be distinguished in the wars of his tribe when a lad of only thirteen years of age, and had subsequently been among them enough not only to understand their system, but to attain great skill in its practice. He is in fact, as it seems to us, the most remarkable instance on record of what we should call a *two-lifed man.* His opportunities of an education and even of good breeding, according to our ideas of these matters, were on the whole very great. He volunteered, or was otherwise engaged, in numerous missions and other affairs requiring an almost continual intercourse between the two races and the various portions of each. He came to England repeatedly, and several times paid long visits to the different cities of the United States. His correspondence with men distinguished and in high authority, especially during the latter years of his life, was constant. These and all other means of improvement he evidently made the most of. When he first appeared in England, in 1775, being then little more than thirty years of age, he made acquaintance with many of the nobility and gentry; and the cordiality of his reception seems to have been dictated not less by the estimation in which his intelligence and cultivation were held, than by his renown as a warrior, his fidelity as an ancient ally of the crown, and his high Indian rank and influence as the principal war-chief (or, as an English document of that period, announcing his arrival as an event of some public interest, expresses it, the *king*) of the Mohawks; a station which, by custom, made him in fact the leader of the whole of the Six Nations, of whom that tribe was, as we have stated, the "*uncle.*" In this connexion Mr. Stone says, vol. ii. p. 250,

"Earl Moira, afterwards Marquis of Hastings, who had served in America as Lord Rawdon, had formed a strong attachment to Captain Brant, and gave him his picture set in gold*. The late General Sir Charles Stuart, fourth son of the Earl of Bute, who, while serving in America, had often slept under the same tent with him, had the warmest regard for him†, and cordially recognised him as his friend in London. With the

* "Now in possession of the lady of Colonel William J. Kerr, the daughter of Thayendenegea."

† "Letter of Thomas Campbell to the late John Brant, or Ahyonwaeghs, the son of Thayendenegea; of whom more hereafter."—*Author's note.*

late Duke of Northumberland*, then Lord Percy, he had likewise formed an acquaintance in America, which ripened into a lasting attachment, and was maintained by a correspondence, continued at intervals until his death. With the Earl of Warwick, and others of the nobility and gentry, he had become acquainted during his first visit, ten years before. His acquaintance was also sought by many of the distinguished statesmen and scholars of the time; among whom were the Bishop of London, Charles Fox, James Boswell, and many others. He sat for his picture for Lord Percy, as he had done for the Earl of Warwick and Boswell when first in England; and Fox presented him with a silver snuff-box, bearing his initials†. With the King and royal family he was a great favorite—not the less so on the part of his Majesty, for having proudly refused to kiss his hand on his presentation. The dusky Chief, however, in declining that ceremony, with equal gallantry and address remarked that he would gladly kiss the hand of the Queen. George the Third was a man of too much sterling sense not to appreciate the feelings of his brother chief, and he loved his Queen too well not to be gratified with the turning of a compliment in her Majesty's favor, in a manner that would have done no discredit to the most accomplished cavalier of the Court of Elizabeth—Sir Walter Raleigh."

All authorities agree in allowing him credit for his tact in society. The celebrated Aaron Burr, Vice-President of the United States, himself no superficial observer, in introducing Brant to his daughter at New York, says of him,

"I am sure that you and Natalie will be happy in the opportunity of seeing a man so much renowned. He is a man of education—speaks and writes the English perfectly—and has seen much of Europe and America. Receive him with respect and hospitality. He is not one of those Indians who drink rum, but is quite a gentleman; not one who will make you fine bows, but one who understands and practises what belongs to propriety and good breeding."—*Vol.* ii. *page* 456.

To the same effect is the testimony of the Rev. Dr. Miller, now president, we believe, of one of the American colleges. He says,

"I have called Joseph Brant 'a remarkable man.' He was, in my opinion, truly so. My personal intercourse with him was not considerable; but it was quite sufficient to impress me with most respectful sentiments of his intellectual character, his personal dignity, and his capacity to appear well in any society. I met with him repeatedly;—was with

* The Duke of Northumberland here mentioned, it is well known, was formally inaugurated as a Mohawk, and received a regular Indian name on the occasion. In one of his letters to Brant he speaks altogether in this capacity. Brant, in reply, always called him "my Lord Duke."

† "Still in the possession of Mrs. Kerr."

him at a dining party—and listened to his conversation in various situations—some of them rather trying; and was surprised at the simple, easy, polished, and even court-like manners which he was capable of assuming; though, at the same time, I was assured that he was capable of being as great a savage as any individual of his nation."—*Vol.* ii. *page* 457.

This last remark alludes to what was, in our estimation, the most striking proof of Brant's great capacity. We have called him a two-lifed man. Before we come however to his Indian character, not a little should, in justice, yet be added to the civilized. Brant, for example, was not merely capable of assuming in his own single person a phase which did *not* originally belong to it, but one which was as repugnant as possible to that which *did*. There was great genius implied in doing even this so thoroughly and so truly as he did; but it was not all: he was inspired, we may say, with the most liberal and vigorous generalizations of a mind, not partially civilized, or superficially, but sounded and cultivated to the whole depth of its rich, natural strength, and allowing itself no idle intervals, no barren spots. In this he was completely *un-Indianized*. He was so much so that he could cease not merely to look, dress, walk, talk, or act, but to *think* like an Indian. He had imbibed the philosophy of civilization into the very grain of his nature. He had learned it, not as late in life he might have learned French, by dictionary and grammar and the drilling of schools, and mixing his Indian and his English with it—half learning it, in fact never learning it, after all: but as if, beginning early, having the best practical and social added to his speculative and scholastic training,—and feeling, not a mere good-mannered, over-persuaded schoolboy inclination for the business as a matter of petty emulation, an exercise or a task, but an intense, spontaneous, intuitive interest in it for its sake and for his own and his peoples';—having, in a word, an intellect capable of this feeling, and of sustaining it, possessed of the energy and the dignity also to do and to do well what it had the intelligence and the instinct to comprehend and desire; a mind as *in*capable of being turned aside from its once settled determination, as it was able to give itself the right direction at the first; as unflinching, straightforward, indefatigable, and all-observing as the march of the Indian hunter or warrior himself in the

wilderness. It was with Brant, as if, having once and early caught an eagle-glimpse of the true spirit of civilization, and of the use which might be made of that system in his own position, he had thenceforth set himself to the great and noble work, not (as other Indians have done, or intended to do) of merging his own nature in a foreign one,—for that would neither have satisfied his patriotism nor gratified his pride,—but of adding this second nature to his first; becoming and remaining perfect master of each, in such a manner as to give him, as far as the case absolutely permitted, all the advantages of both systems without the commonly incidental disadvantages of either. In this spirit,—as an individual Indian, and as an influential, responsible, and thoroughly patriotic member and leader of a powerful tribe, a mighty confederacy, and a wide-spread race of red men—powerful, mighty, and wide-spread, yet most precariously situated, balancing, as it were, on the very turning-point between a glorious destiny and a ruinous downfall; in this spirit it was, that with all his energies, yet with all his wariness, he studied and seized hold of the whole generalization, and at the same time the more palpable machinery of civilization in detail, so far as they were any or all of them subservient to his purposes. The result was as we have intimated. It could not be otherwise. He could not merely act the "pale face," but in all save skin he could be one.

Of this transformation of nature, (most remarkable, considering the habitual, systematic, self-respecting and extremely circumspect character of his race,) the volumes before us are filled with illustrations and proofs. We have seen that Brant was a polished gentleman, when he chose to be so, as Dr. Miller wisely puts in. This, we repeat, is saying a great deal. In point of fact, so far as our information extends, and we have not been altogether idle in our inquiries and observations concerning this matter, it is more than any other Indian ever accomplished. For this there are sound, sufficient and well-known reasons, not derogatory to their intellect or morals, just as there are corresponding reasons why no thoroughly civilized character has ever become thoroughly savage. This rationale need not be here discusssed; it could not without a review of all the Indian history we have, which

in fact is very little, and still more unsatisfactory in quality than in amount: for be it ever remembered, that this wronged and hated race,—hated because wronged, ever pursued by an hostility breathing out blood and slaughter, slandered in peace, their motives misunderstood, their complaints unheard, their injuries unredressed, their glorious land itself, the hunting-ground of their ancestors, the gift of the Great Spirit, their fathers' resting-place in death, their children's only hope hereafter, all, all trampled under foot in the rude, lasting rush of the white men,—and, last and worst of all, when prejudice and malice could do no more with the person or the possession, the name itself still held up to the world's scorn, the "perturbed spirits" of their memory allowed no chance of rescue, no interval of rest;—this Indian race, we say, have never been allowed the privilege of putting on record one word, we need not say of accusation, but of explanation—of defence. They are and have been, morally and historically, a dumb, disabled people. Sadly, indeed, as our author suggests in his introduction, have they realized the fable of the lion and him who pointed out to the noble animal the image of one of his species fallen under the arms of a human master. The lions had no sculptors, and the Indians have had no historians. "Who will weep for me?" said Logan. "Who will write the truth of me?" he might have asked, and still the stern, despairing answer would have been, "*not one*!"

But this is digression—one, however, for which we will not apologize. We have said that Brant was really a polished, civilized gentleman. He was at ease with the best-bred men and women in the highest circles of the British metropolis, and at the court of the king himself, in the most trying situations. But he went further than this. There is a good deal of evidence in Mr. Stone's work that the chieftain availed himself of his opportunities to take a broad and liberal, yet leisurely, thorough, calm and accurate survey of the life and system of the white men; just as one can imagine him in his warlike capacity to have warily approached in the gloom of the morning the unsuspecting sleeping-scene of one of his forays,—overlooking the whole sweep of some lovely valley from a tangled thicket among the mountains that hemmed it in; and here patiently and carefully consider-

ing and debating with himself what winding course to choose; what objects to select for his prey; whether to destroy or spare, to leave behind him or carry away. Thus he surveyed the system of civilization, and thus he made his forays into it. He looked at it as a system. He embraced no part of it till he understood its comparative as well as its absolute character, its relations with every part and with the whole; and then remained the other and greater question to be settled—to be settled in and by virtue of his *Indian* capacity,—as to the appropriation and application of this particular idea or institution to Mohawk purposes; or perhaps the modification, the Indianization of it, in some degree the better to suit their condition, or the more gradually and safely to meet it, as it were, half-way.

Concerning some things there could be no doubt; and in these cases there was no hesitation. Brant was a great "temperance man," for example; not that we can prove him a stanch "*tee-totaller*:" we have no proof of his having signed any pledge, or got up any society, or any meeting, or any speech, on the subject; but he was something more of a temperance-man than being temperate himself,—though this was much to his credit, as the world wags with the Indians; since very many, if not most of the distinguished chieftains known to the whites have been sanguine admirers of a cup of whiskey. Poor old Logan, for instance, who made the superbly simple address, recorded by President Jefferson*, and from which we have quoted above,—Logan was a great sot at the close of his life, if not at the beginning. So was the famous Seneca chief of later days, "the last of the Senecas†," in truth. Mr. Stone, with the impartiality which is one of his greatest merits, in his strong desire to do justice to the Indian race, and especially to injured individuals among them, has never, in any instance within our knowledge, discovered the slightest propensity to suppress or unduly smoothe over anything which may make against these his especial *protégés*. He allows them, on the contrary, to be chastised when they deserve it, and even goes through that painful

* Some doubt was for a time thrown on this document by a French writer, but Mr. Stone has, in our opinion, completely removed it.

† Thatcher's Lives of the Indian Chiefs.

duty himself,—not cheerfully we dare say, but with a conscientious determined energy, as a good and true historian should. He not only calls Red Jacket a "demagogue," and moreover shows that he was one, but he proves also, which he had no occasion to do, that he too was a monstrous hard drinker. Indeed, he never denied it himself. He seems either to have been too gross-minded to perceive the meanness of it, or too proud to make any explanation of what he might in fact have felt ashamed of:—and there never existed either a prouder spirit, a more sensitive, a more truly independent man, on one hand, than poor Red Jacket was, with all his faults; nor, on the other, a more thorough-going, intentional, systematic, tenacious pagan. Once when he dined or rather when he *drank* with General Porter, he wished his host all manner of Mohawk blessings in his own sententious style, but more particularly that he might have a thousand children, *and live where whiskey was only three pence a quart*! And yet Red Jacket, by acknowledgment of all parties, was possessed of consummate talent. He might have been a "cow-killer," as Brant says, who justly despised him; he might have run away when he first went into battle. He laid no claim to a warrior's honours. He affected even to disparage them, which few Indians would have done. The secret of all this was in his splendid genius as an orator: in this he was unsurpassed among his race in modern times. The renown he thus obtained made him indifferent to martial fame; at least it enabled him to afford appearing to be so. He knew that to be a great orator among the Indians, who have the highest respect for this faculty, was not only a great thing, but that it was enough for one man. The Senecas were too sensible to expect him to be doubly wonderful. So long as he could speak for them, he might kill cows or not, as it pleased him: he might even "vilely cast away" the tomahawk and the tobacco-pipe in battle, and run away "like a sheep." What then? So, they say, did Demosthenes with his shield. Red Jacket could even afford to be a sot. He made some of his greatest speeches in the same condition in which Cooke produced some of his best effects upon the stage.

And so, in a word, it is and has been with the whole race.

Whiskey is their universal curse. Now Brant, we say, deserved some credit, under these circumstances, for being, as he was, a remarkably temperate man. But, far more than this, he looked well at the evil at large. He traced its history, and surveyed its effects; and foreseeing what must be the end of it if its course were completed, he set himself strenuously to discover and apply a cure. The means he adopted with this view are detailed by Mr. Stone; and it appears, especially by a remarkable document got up by the Mohawk women*, that he must have had very considerable success. These, however, we need not describe; enough has been said to illustrate our position, that whatever was good and applicable in the civilized system he adopted,—rejecting the rest. Of the ability and spirit with which he reasoned and wrote upon these subjects, we have a singular specimen in the following portion of a letter addressed to an American philanthropist who had questioned him concerning his views on imprisonment for debt. It must be understood that this is no translation or corrected version; it is word for word as Brant wrote it.

"Your letter came safe to hand. To give you entire satisfaction I must, I perceive, enter into the discussion of a subject on which I have often thought. My thoughts were my own, and being so different from the ideas entertained among your people, I should certainly have carried them with me to the grave, had I not received your obliging favour.

"You ask me, then, whether in my opinion civilization is favourable to human happiness? In answer to the question, it may be answered, that there are degrees of civilization, from Cannibals to the most polite of European nations. The question is not, then, whether a degree of refinement is not conducive to happiness; but whether you, or the natives of this land, have obtained this happy medium. On this subject we are at present, I presume, of very different opinions. You will, however, allow me in some respects to have had the advantage of you in forming my sentiments. I was, Sir, born of Indian parents, and lived while a child among those whom you are pleased to call savages; I was afterwards sent to live among the white people, and educated at one of your schools; since which period I have been honoured much beyond my deserts, by an acquaintance with a number of principal characters both in Europe and America. *After all this experience, and after every exertion to divest myself of prejudice, I am obliged to give my opinion in favour of my own people.* I will now, as much as I am able, collect together, and set before you, some of the reasons that

* Vol. ii. p. 442.

have influenced my judgement on the subject now before us. In the government you call civilized, the happiness of the people is constantly sacrificed to the splendour of empire. Hence your codes of criminal and civil laws have had their origin; hence your dungeons and prisons. I will not enlarge on an idea so singular in civilized life, and perhaps disagreeable to you, and will only observe, that among us we have *no* prisons; we have no pompous parade of courts; we have no written laws; and yet judges are as highly revered amongst us as they are among you, and their decisions are as much regarded.

"Property, to say the least, is as well guarded, and crimes are as impartially punished. We have among us no splendid villains above the control of our laws. Daring wickedness is here never suffered to triumph over helpless innocence. The estates of widows and orphans are never devoured by enterprising sharpers. In a word, we have no robbery under the colour of law. No person among us desires any other reward for performing a brave and worthy action, but the consciousness of having served his nation. Our wise men are called Fathers; they truly sustain that character. They are always accessible, I will not say to the meanest of our people, for we have none mean but such as render themselves so by their vices.

"The palaces and prisons among you form a most dreadful contrast. Go to the former places, and you will see perhaps a *deformed piece of earth* assuming airs that become none but the Great Spirit above. Go to one of your prisons; here description utterly fails! Kill them, if you please; kill them, too, by tortures; but let the torture last no longer than a day. Those you call savages, relent; the most furious of our tormentors exhausts his rage in a few hours, and dispatches his unhappy victim with a sudden stroke. Perhaps it is eligible that incorrigible offenders should sometimes be cut off. Let it be done in a way that is not degrading to human nature. Let such unhappy men have an opportunity, by their fortitude, of making an atonement in some measure for the crimes they have committed during their lives.

"But for what are many of your prisoners confined?—for debt!—astonishing!—and will you ever again call the Indian nations cruel? Liberty, to a rational creature, as much exceeds property as the light of the sun does that of the most twinkling star. But you put them on a level, to the everlasting disgrace of civilization. I knew, while I lived among the white people, many of the most amiable contract debts, and I dare say with the best intentions. Both parties at the time of the contract expect to find their advantage. The debtor, we will suppose, by a train of unavoidable misfortunes, fails; here is no crime, nor even a fault; and yet your laws put it in the power of the creditor to throw the debtor into prison and confine him there for life! a punishment infinitely worse than death to a brave man! And I seriously declare, I had rather die by the most severe tortures ever inflicted on this continent, than languish in one of your prisons for a single year. Great Spirit of the Universe!—and do you call yourselves Christians? Does then the religion of Him whom you call your Saviour, inspire this spirit, and lead to these practices? Surely no."—*Vol.* ii. *page* 481–483.

This appears to have been merely a private communication, and it may have been hastily composed, for Brant was always full of cares. Some allowance, therefore, might be made, though we see little need of it, for a lack of completeness in the argument, or exactness in the mode of expression. One can imagine too, that the letter was written with a view to particular transactions the chief had in mind. There seems almost a bitterness even in much of the truth, and that was a feeling by no means characteristic of the writer. It is clear enough, however, that these were his settled opinions; and as such, and coming from such a source,—from a strong, sound-minded man, who here says of himself, in substance, what we have been trying to show without his aid, viz. that he had tried *the two systems* more thoroughly and fairly than any other person ever did, or probably ever will,—we cannot but consider this to be a document of uncommon interest, setting aside its literary character, and whatever our readers may severally believe in regard to the somewhat vexed and delicate question to which it chiefly alludes. Nor does it, in our opinion, at all interfere with our theory of Brant's double, yet determined mind. It was double because determined*, on one hand,—determined to "try all things, and hold fast that which is good;" and, on the other, determined because double; for it was, in fact, from his having tried them, that he did hold fast. The letter, in all respects, speaks volumes in his praise.

Nor have we entirely done with this portraiture, on the civilized side of the face. In the same intelligent, curious, anxious, but discriminating and independent spirit which breathes throughout this composition, and was indeed so characteristic of the chieftain altogether, we find him, throughout these volumes, deeply interested in regard to the subject of Christianity, both as a matter of intellectual and moral concern to himself, and of more palpable and even economical consideration to his people. In Dr. Wheeloch's 'Narra-

* It is well known how extremely difficult it has always been to induce an Indian (and for reasons obvious enough) to undergo any process of civilized education even for a short time, and how almost universally, after all that could be done to reclaim them, (we mean individually, and especially by literary training,) they have made their escape as soon as possible back again into savage life. Brant, himself, had many associates at the Wheeloch school, who early adopted this course.

tive of the Charity-school,' published at a period when the chieftain was only seventeen years old, it is stated that Brant had been, some time previous, engaged by a young missionary of fortune to attend him on a visit to the *Mohawks*—"as interpreter," is the word; but there is no reason to doubt, that on this and many similar occasions, Brant's attention was far from being monopolized by the mere duties of his station; though it is easy to see, that even were it so, these opportunities were still very suitable to some of his designs, and might be considered a portion of his great scheme of a complete self-education in the first place, and of a reformation and re-establishment of his people and his race in the second. Various mentions are made of him by missionaries and others about this time; and in every instance we find him in the same active, inquiring and improving course. Our author thinks he assisted in 1769 in Dr. Ogilvie's Mohawk Prayer-book, and states it as a well-known fact, that he was "partial to exercises of that description*." It is certain that he aided the doctor essentially in numerous translations two years afterwards, when he was still living at Canajòrharie, "comfortably "settled, in a good house, with everything necessary for the "use of his family†." Subsequently, he attached himself to the Church of England, and became a regular and attentive communicant: nor can there be the least doubt of his sincerity. Whether his religious impressions continued as strong as at first, through all the counteracting influences of his later career, is a question which the author wisely declines to decide. His policy, his philosophy, however, remained unchanged. He saw that Christianity would be a good thing for his people, and he did everything in his power to establish and extend it among them. It comes out, during his second visit to England, that

"Notwithstanding the ceaseless activity of his life, he had found time to translate the Gospel of Mark into the Mohawk language; and as most of the Indian Prayer and Psalm Books previously in use had been either lost or destroyed during the war, the opportunity of his visit was chosen by the Society for the Propagation of the Gospel in Foreign Parts, to bring out a new and superior edition of that work, under Brant's own supervision, and including the Gospel of Mark as translated by him. This

* Vol. i. p. 26. † *Ibid*, p. 27.

was the first of the Gospels ever translated entire into the Mohawk language. The book was elegantly printed in large octavo, under the immediate patronage of the King."—*Vol.* ii. *page* 260.

For the better performance of this work he had once contemplated the acquisition of the Greek language, though it is not stated whether his engagements allowed him to accomplish his purpose. An intelligent missionary, so late as 1800, writes to President Wheecoon as if greatly encouraged by Brant's aid in his efforts both to civilize and christianize the Indians. It is a curious fact, that the first episcopal church in Upper Canada was built by him, from funds collected during his last English visit*. We might have excused him for being wholly engrossed on this occasion with his new acquaintances alone; but on the contrary, while he rendered them a faultless attention, and might have been deemed by a superficial observer to be thinking of nothing else, everything else in reality would seem to have more occupied his mind. The business of his nation was always first; but he found time, it appears, for literary occupations.

He even designed writing a history of his own nation; but this was prevented by his more pressing engagements. Of these the reader can form no conception from the allusion made to them thus far. He must at least bear in mind, that we have been considering but *one half*, as it were, of his purposes; that he was always living, within and without, a twofold life. Each of these, it is evident from this history, was large enough for any *one* man. Mr. Stone doubts if there is another case on record of activity so intense and so long-continued as his. In this very respect, we may add, as much as in any, Brant had denaturalized himself; there could be no severer test of his transformation, that is, of his *bi-formation*. Continuous application for a great length of time is, of all horrors, the most repulsive to the habitual Indian taste; and hence a chief difficulty in their civilization.

We might speak of Brant's domestic virtues, of his kind attention to his family and friends, his anxious and judicious care in the education of his children. In this department, again, there was nothing left to desire. He lived not merely

* Vol. ii. p. 495.

as a civilized man, but as a Christian gentleman should. All this the author has abundantly shown; and what is yet more satisfactory, he states that the chieftain, at a good old age, died as he had lived. This event occurred in 1807, at a mansion he had built some years previous on a tract of land given him by the monarch to whose interests he had ever maintained an unflinching fidelity, according to the ancient leagues of his tribe. It was at the head of the great Lake Ontario,—the situation noble and commanding,—affording a glorious view of that beautiful water, with a fruitful soil and a picturesque country around it. "He bore his illness, which was "painful, with patience and resignation. He died in the full "possession of his faculties; and, according to the belief of "his attendants, in the full faith of the Christian religion!" How touching is this picture! How still more interesting, when we know that, Christian as he was, he was an Indian also still! To the last, his own people, to whose welfare his entire life had been so intensely devoted, to the last gasp, they were yet in his thoughts. At the solemn moment of his departure, turning to his nephew, the old Sachem murmured out, "*Pity the poor Indians!*" and expired.

And now a word on his distinct Indian character. We confess ourselves almost reluctant to disturb the impression which we would gladly believe the foregoing narrative has made on the reader's mind; but, in the first place, we have undertaken, like Mr. Stone, to tell the truth and the whole truth, at all events; and in the second place, we consider it the best policy to do so. It clearly is so, even in regard to Brant's own memory; for though the preceding statements may convey some notion of what he accomplished in a certain sphere, they do not give us the means of appreciating the enormous obstacles which he had to encounter in the accomplishment of his purpose.

If Brant then was a thoroughly civilized and christianized* man, so was he emphatically and essentially as consummate a Mohawk as ever stripped off the reeking scalp from the head of his foe. In the first place, he was all Indian in

* We mean here to use this word in the sense sustained by the statements heretofore made on this point.

blood. It would somewhat have altered the most remarkable features in his case, had he really been a *half-breed*, as most writers have alleged: there would have been apparently much less merit in that docile yet independent pliability in his character of which we have spoken. He would have seemed almost authorized by nature to have chosen which he pleased of his two phases, or both. The noted Lequodgah, or Gieesr, as the Americans now call him, who has gained so much fame in the world of late by the invention of an alphabet now in general use among the Cherokees, is not an Indian, but a half-breed. So was the Creek chief, as they termed him, MacIntosh, who was equally famous about the time of General Jackson's Florida wars. This man, as his name indicates, was half Scotch; a very clever fellow no doubt, but no more a fair specimen of Indian cleverness or character, in any respect, than General Jackson himself. Among other peculiarities, he was a great slave-holder, having at one time not less than a hundred negroes on one of his plantations; than which nothing could be more un-Indian, since these northern savages have never either borrowed that institution from their civilized neighbours, or submitted, in any case, to its imposition on themselves. Be this as it may, we acknowledge there was a plausibility in making a half-breed of Brant, these men being, in fact, notoriously shrewd, and, as may be supposed, constitutionally balanced in such a manner as to make it comparatively easy for them to become or remain either civilized or savage, as the case may be. Mr. Stone, however, makes it clear that this is a mistake: the blood of the chieftain was as good Mohawk as ever ran in red man's veins.

As to the rank of his family there is some question—we confess we hardly perceive about what. The author contends that he came of what he calls noble stock; and there are authorities showing that, to some extent, there is an hereditary right of appointment to the principal chiefship of the tribe just named, which chiefship is also acknowledged by the other Five Nations. Other authorities, however, use a different language. It seems to us probable, on the whole, that the office came to be at least practically elective; the queen-mother, though nominally authorized in some cases, never really making an appointment except in pursuance of the

will of the tribe, and perhaps merely as their organ. No doubt *family* had its effect even upon this principle. A great warrior would be likely to bring up a son in the way he should go, according to his notions; and the son, unless he were a great dunce, would feel an unusual inducement to distinguish himself; while the nation, on the other hand, would be naturally inclined to look favourably on the young candidate's performances and pretensions. This theory, at least, is the more creditable to Brant of the two. We find him actually in the high station referred to at a very early age; and the fair inference is, for aught we can see, that he was considered worthy to fill it. Of an inferior character in such a situation we know not an instance in Indian annals. Besides, it clearly appears, that the young man was precociously savage, so to speak. It must have delighted his admirers indeed, to see the stripling, when but thirteen years of age, fighting, in the memorable battle of Lake George, by the side of their favourite patron, Sir William Johnson, who gained his baronetcy by his victory over Baron Dilshau on this occasion. The author has met with a singular rumour respecting Brant's conduct in this action.

"It is reported, that in relating the particulars of this bloody engagement to Dr. Stewart, the youthful warrior acknowledged, 'that this being the first action at which he was present, he was seized with such a tremor when the firing began, that he was obliged to take hold of a small sapling to steady himself; but that after the discharge of a few vollies, he recovered the use of his limbs and the composure of his mind, so as to support the character of a brave man, of which he was exceedingly ambitious.' He was no doubt a warrior by nature. 'I like,' said he, once in after-life, when the conversation was about music, 'the harpsichord well, and the organ still better; but I like the drum and trumpet best of all, for they make my heart beat quick*.'"—*Vol.* i. *page* 19.

This is likely enough to be true, and is by no means discreditable to the Mohawk, though we are not so sure as to what Mr. Stone means by his being a "*warrior by nature.*" We should rather say that the anecdote encouraged the contrary opinion—the belief that he had something in his constitution to contend against more than Mohawks usually have; and we should infer that, as he never afterwards, to our

* "Letter of T. Campbell (the poet) to Ahyonwaeghs, the son of Brant."

knowledge, discovered the like weakness, he must have succeeded in subduing it; for which he deserves some credit, as he does for the frankness of his confession. It illustrates the strength of his real *character*, as distinguished from his temperament or nerves. It is a case, moreover, in corroboration of what we have said respecting the efficiency of the Indian training, and in refutation of the theory of their being "warriors by nature," or even daring, or hardy, or insensible to suffering, originally, in any unusual degree. We may mention, by the way, that the same weakness, that is, the same average human nature, is attributed by various authorities to other distinguished chiefs, as it has been to more civilized generals than themselves. That it should be true of Red Jacket, "the cow-killer," was to be expected; for he was habitually a demagogue. His *forte* was in *talking*. It was his profession to induce and instruct others, not to set an example, or even to follow one, unless it were that of running away. The shrewd Delawares compared such theoretical heroes to those bear-hunters who very bravely cheer on a pack of dogs against the enemy, and take all the credit of the victory, if they get one, but most carefully avoid anything beyond the considerate supervision of the contest itself. The same circumstance, however, is related of Tecumseh himself, not merely a powerful orator like the Seneca, but confessedly a great and brave warrior in actual battle, as well as a general and a statesman of consummate ability in the "marshalling of affairs." This chieftain (who belonged to the always warlike tribe of the Shawanees) has obtained, even among his enemies, (for he too was attached to the *British* interest) the title of the "*Indian Buonaparte**." He served in our army, or rather *with* it (like Brant), as a brigadier-general, but retained at the same time his Indian rank. This truly wonderful man (who was slain in the battle of the Thames, by a pistol-shot from the hand of Colonel Johnson of Kentucky, the present Vice-President of the United States, as that gentleman's admirers at least maintain,) obtained an influence among the numerous and widely-scattered Indian tribes of the west and north-west scarcely credible, and only rivalled, if at all, in the annals of

* Thatcher's Indian Biography.

his own race, by that of the renowned Pontiac in the last century, and the yet more celebrated Philip in the century before. That he could have maintained this influence had he been a timid man, or anything less than the complete warrior he was, in the prime of his career, we do not believe. And yet we see no reason to doubt the truth of the tradition, that, like Brant, he had and confessed his feelings of fear at his *début*, we believe in the great battle of Governor Dunmore with the combined Indian nations, in 1774, at Point Kenhawa. It only serves to show again what determination, ambition, and drilling of the Indian order will effect. They will make a first-rate warrior of one who might otherwise have become a notorious poltron. This was the very view of the savages in adopting this regimen. Nothing could better illustrate the warlike wisdom of their policy than the existence of proofs of its efficiency so conspicuous as these we have named.

Be this as it may, we hear no *more* of it in Brant, any more than we do in Tecumseh. He trembled once, and that was enough. Many years afterwards we find him thus spoken of in Wheeloch's 'Narrative.' The writer has been describing his services as interpreter, and he adds,

"But the war breaking out at that time between the back Indians and the English, Mr. Smith was obliged to return; but Joseph tarried, and went out with a company against the Indians, and was useful in the war; in which he behaved so much like the Christian and the soldier, that he gained great esteem."—*Vol.* i. *page* 24*.

There may seem to some almost an inconsistency in the expressions here used; they only confirm, however, our view of Brant's double life. We shall find everywhere that he maintained his Indian character (when it pleased and suited him so to do) as completely as his civilized. And what greater inconsistency is there between a civilized white man sustaining the character of a Christian soldier, as so many have done, and a civilized red man doing the same thing? There may be said to be something wrong in the public opinion which justifies such language; but public opinion it is,

* This war, as the author suggests, must doubtless have been the celebrated and critical contest of the great Pontiac, a Chippewa chieftain, already named in the text. "He combined the great Indian tribes of the north-west almost as one man." He surprised several important English stations, and it was with the utmost difficulty he was prevented from taking Detroit.

nevertheless, and the case is as fair for the one party as the other. Nor can there be, in our opinion, a particle of doubt, that Brant, at all events, was just as conscientious in his Christianity as he was in his warriorship. He fell into the very common and much-honoured weakness of thinking it a duty, as well as a fine and famous thing, "*dulce et decorum*," to fight and die for one's country, liberty, or name.

As to the particular mode of fighting, the established, avowed, exclusive practices of the contending parties must be considered altogether in point. These, or some of them, may be more or less satisfactory to other parties; they may be intrinsically and even gratuitously harsh; but if, as we have said, established and advertised to the world, we can discover no real cause of complaint. A vast number of sanguinary and truly diabolical devices and machines have been used heretofore in the warfare of nations "called civilized," as Brant says. Some have used poisoned arrows, among the rest, which the Indians never do. In fact, although *their* peculiar circumstances and education may have led them to the adoption of a style of warfare which deserves to be called savage, and is indeed perfectly congenial to them in that capacity; yet it is a regular system, and has been universally practised. Were one to inquire deeply into the subject, we suspect he would find it difficult to show how they could practise a very different warfare from this, without ceasing to be Indians and to live as they do. On this subject we are happy to have Brant's own views, as Mr. Stone has received them. He said

"The object of each party, when engaged in war, was to destroy his enemy, or to weaken and intimidate him so much as to force him into a reasonable peace. The Indians, he said, were destitute of many of the means and implements of war which the white people possessed. They could not successfully contend with them in the open field, man to man, because they had no artillery, so indispensable to, and so destructive in, a field fight. Besides, if they could, the Indians being generally inferior in numerical force to their white enemies, would soon be subdued by an equal sacrifice of man for man; that the Indians had no forts to resort to for protection after a discomfiture in the field; no battering trains to dislodge the enemy after they had retired to theirs; and no depôts or jails for securing the prisoners they might capture. The simple and necessary principle, therefore, of Indian warfare, was extermination—to destroy as many of the enemy, and save as many of themselves, as practicable; and

for this purpose, to resort to ambuscades, stratagems, and every species of deception, direct or indirect, to effect their object. Brant justified taking the lives of prisoners, but disapproved the practice, so common among savages, of torturing them; and he always maintained that he had himself at different times, by great efforts, saved several, not only from torture, but death. As to taking life, he thought (and with some truth,) that in this respect there was but little practical difference between the red and white men; for the death of an Indian prisoner was as certain a consequence of his capture, as that of a white man taken by the Indians."—*Vol.* ii. *page* 462.

Probably our readers have never before been favoured with an Indian's exposition of his national customs in war. We cannot but think there is some reason in it. As to his assertion of having prevented unnecessary cruelties, this history is filled with conclusive proofs of it, and of the general assertion that he universally carried on this professional Indian warfare,—which alone even he knew much about,—in a *personal* spirit as manly and even as generous, as chivalrous we may say, as it is easy to imagine consistent with waging that warfare at all. Of this we may come to other illustrations. Meanwhile, we wish to show Brant in his savage capacity, as he confessed it to be.

Early in 1777 he had a remarkable parley with the American General Herkimer, of which Mr. Stone gives a spirited account. Here he made no secret of his intention to join the war on the British side, or of his reasons for doing so. There is some ground for supposing he had already struck the first blow. Our author thinks he was at the battle of the Cedars. During the same season we find the "Great Captain of the Six Nations" fairly in the field. Joining St. Leger in his siege of Fort Schuyler, he is supposed to have led on nearly a thousand warriors. In one of the sharp actions which took place near this fortress, we find these savages routed and losing a great number of men. This exasperated them, and they remembered it for a long time; a fact to be considered when we estimate the difficulties their leader had to struggle with in centralizing them. As for himself, we find him on one of these occasions literally "up a tree," as the Americans say; having been, like Santa Anna, in later days, driven to such a refuge in the course of a rapid retreat. Again we find him hovering about the borders of the Ameri-

can settlements, rallying the remote tribes, negotiating, fighting, writing, or doing whatever else was to be done. He entered into the business with his whole soul, using with his utmost energy all the powers and capabilities of his person and his station, as he believed it became him, for the defence of his own cause and the destruction of his foe. The author acquits him of petty expeditions or secret massacres, but the following passage sufficiently shows that he still did not shrink from pursuing, in general, the usual belligerent plan of his people. The author speaks of the German Flatts in 1778:—

"Early in the evening Brant arrived at the edge of the settlement, but as the night came on excessively dark and rainy, he halted with his forces in a ravine, near the house of his Tory friend Shoemaker, where the younger Butler and his party were captured the preceding year. Here the chieftain lay with his warriors until the storm broke away toward morning—unconscious that his approach had been notified to the people by the scout in season to enable them to escape the blow of his uplifted arm. Before the dawn he was on foot, and his warriors were sweeping through the settlement; so that the torch might be almost simultaneously applied to every building it contained. Just as the day was breaking in the east, the fires were kindled, and the whole section of the valley was speedily illuminated by the flames of houses and barns, and all things else combustible. The spectacle, to the people in the forts, was one of melancholy grandeur. Every family saw the flames and smoke of its own domicile ascending to the skies, and every farmer the whole product of his labour for the season dissolving into ashes."—*Vol.* i. *page* 365.

This, again, is Indian to the heart's content. Elsewhere we are told that Brant seemed almost omnipresent. Whole families often disappeared from settlements, with no other notice to those who were left of the enemy having been near them. The ruins he left in his course alone pointed him out, till finally some solitary captive came back, or a prisoner taken from the foe furnished more definite information. To all this extensive western region Bran was the evil genius of the war.

It was during this season that the terrible desolation of the lovely Valley of Wyoming occurred, and also that of Cherry Valley. The Indians were concerned in both, but Mr. Stone shows clearly that Brant was not in the former scene, and so removes at once the most considerable cause of the odium which has long been unjustly attached to his name. A good deal was done to sustain this feeling by Mr. Campbell in

his famous poem on this subject. The poet calls him "the Monster Brant," and gives him the credit of all the atrocities which took place on that occasion. At the same time it is clear from his own letter, written a few years ago to young Brant, when the latter was in this country, that he was entirely justified in his representation by historical authorities. These accounts, until within some eighteen years, have met with no contradiction whatever. Mr. Stone, of whose labours and merits in the way of correction this is but one specimen among many, makes it apparent not only that Brant was not at Wyoming, but that there is not the slightest truth in a great part of the descriptions given by historians of the barbarities committed,—not but there were enough of them at the best. Even the common Indians, however, the "*vulgum pecus*," were not responsible, it would seem, for the worst of these. Our historian proves, that on this, as on numerous other occasions, where the savages generally have had the whole blame to bear, (*one* effect of their having no writers of their own,) the atrocities committed by the white men were not only the principal ones, but that they far transcended the regular and conscientious cruelties, as they might almost be considered, of the savages themselves. Nor does it appear that there was much to boast of in this respect between the English and the Americans. The author here again manifests a resolute impartiality for which we honour him. He even takes particular pains to render justice, not merely to Brant, but to many of the British authorities whose characters have suffered unduly, perhaps even with their own countrymen, to this day. Among these are the Johnsons, the Butlers, and General Burgoyne.

As to Cherry Valley, Brant was there, and fought, as usual, *en sauvage*. Some barbarities were committed, but these he had no power to prevent even had he been in command*, which he was not, and here disappears another of his disgraces. Moreover, the author furnishes some authentic data

* He was in command at the Canajorharie foray, the next season, and then had Indians only under him. On this occasion great ravages were made, but no needless outrages committed, as on defenceless women and children, other than carrying them into captivity. This was harsh indeed, but it was legitimate Indian warfare. This Brant always practised and avowed—and no more.

to mark strongly the humanity and high bearing in which, as far as possible, he *indulged* himself on this occasion, and which he seemed always much to prefer. We gather from the first of these anecdotes also that his reputation for these characteristics was really established:

"On entering one of the dwellings, he found a woman employed in household matters. 'Are you thus engaged,' inquired the chief, 'while all your neighbours are murdered around you?' The woman replied that they were in favour of the King. 'That plea will not avail you to-day,' replied the warrior. 'They have murdered Mr. Wells's family, who were as dear to me as my own.' 'But,' continued the woman, '*there is one Joseph Brant: if he is with the Indians, he will save us.*' 'I am Joseph Brant!' was the quick response: 'but I have not the command, and I know not that I can save you; but I will do what is in my power.' At the moment of uttering these words, he observed the Senecas approaching. 'Get into bed quick,' he commanded her, 'and feign yourself sick.' The woman obeyed, and when the Indians came up, he put them off with that pretext. Instantly as they departed, he rallied a few of his Mohawks by a shrill signal, and directed them to paint his mark upon the woman and her children. 'You are now probably safe,' he remarked—and departed*.

"Another instance, from the same authority†, will serve farther to illustrate the conduct and bearing of this distinguished Indian leader on that occasion. After the battle was over, he inquired of one of the captives for Captain M'Kean, who had retired to the Mohawk Valley with his family. 'He sent me a challenge once,' said the chief; 'I have now come to accept it. He is a fine soldier thus to retreat!' It was said in reply: 'Captain M'Kean would not turn his back upon an enemy where there was a probability of success.' 'I know it,' rejoined Brant: 'he is a brave man, and I would have given more to take him than any other man in Cherry Valley: but I would not have hurt a hair of his head.'" —*Vol.* i. *pp.* 380, 381.

Passing over small matters, we come, in 1779, to the battle of Minisink. There were some needless cruelties committed by nobody knows who. This matters little to our present purpose. Enough that Brant again has had to bear the whole blame of them; and that the charge in this case turns out totally unjust. One white man, in particular, it appears that he spared on his showing *the Master-masons' hailing-signal of distress*, the chieftain himself belonging to a lodge. After the action a different scene occurred, which is too singular to be omitted.

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* "It is an Indian practice thus to mark their captives, and the known mark of a tribe or chief is a protection from danger at other hands."

† Campbell's Annals.

"Among those who were grievously wounded was Lieutenant-Colonel Gabriel Wisner, a gentleman of great respectability, a magistrate, serving among the Goshen volunteers. In surveying the battle-field, the situation of Wisner arrested the attention of the Indian commander, who examined his condition. The chief saw that he was wounded past hope of recovery, but he was, nevertheless, in the full possession of his faculties, and was even able to converse. Believing his case to be altogether beyond the power of medical and surgical skill, and having no means of carrying him away, Brant reflected a moment upon his own course of duty. He was disposed to save his life if he could, and yet felt that it was impossible. To leave him thus helpless and alone upon the field, in the possession of his senses to a degree enabling him to appreciate all the horrors of his situation, would be the height of cruelty; added to which was the moral certainty, that the wolves abounding in the forest, guided by the scent of blood, would soon be gorging themselves alike upon the wounded and the dead. The thought, therefore, that Wisner might be torn in pieces while yet alive, seemed to him even more than savage cruelty. Under these distressing circumstances and considerations, the chief argued with himself that true humanity required a speedy termination of his sufferings. Having formed this conclusion, the next point was to compass his death without inflicting additional torture upon his feelings. With this view he engaged Wisner in conversation, and while diverting his attention, struck him dead in an instant, and unperceived, with his hatchet."—*Vol.* i. *p.* 420.

This, as the author observes, was "but a *savage* exhibition of *humanity*." It was, however, an exhibition of humanity, and it was according to the Indian notions of benevolence. Brant was accustomed in after years to relate this anecdote himself. Probably it never occurred to him to be ashamed of it.

Very early in the spring of 1780 he enters the same country in his usual wary, but most formidable style, and here we get another characteristic glimpse of him.

"Brant, in wending his way from Harpersfield toward Schoharie, fell suddenly upon Harper and his party on the 7th of April, at about two o'clock in the afternoon, and immediately surrounded them—his force consisting of forty-three Indian warriors and seven whites. So silent and cautious had been the approach of the enemy, that the first admonition Harper received of their presence, was the death of three of his little band, who were struck down while engaged in their work. The leader was instantly discovered in the person of the Mohawk chief, who rushed up to Captain Harper, tomahawk in hand, and observed—'Harper, I am sorry to find you here!' 'Why are you sorry, Captain Brant?' replied the other. 'Because,' rejoined the chief, 'I *must* kill you, although we were schoolmates in our youth,'—at the same time raising his hatchet, and suiting the action to the word. Suddenly his arm fell, and with a piercing scrutiny,

looking Harper full in the face, he inquired—'Are there any regular troops at the forts in Schoharie?'"

The result is, that Harper persuades the chief that a great American force is fast coming upon him, and he begins a hasty retreat, taking his prisoners with him. All these might fairly have been slain on Indian principles; but as there were eleven of them, and the captors retreated in haste, there seemed a better special reason for such a course than usual, setting aside the force of *general* necessity: and it expressly appears, indeed, that not only a "talk" was held on the subject during the night, but that the controversy ran high. The general voice was for death, to which the white men seem to have made no objection. Harper's party were all the while within hearing of this interesting *conversazione*, having been shut up, bound hand and foot, in a rough pen of logs, under charge of the seven whites, whose leader, a red man named Becraft, one of those notorious blood-thirsty pirates so numerous on both sides during the sanguinary civil war waged with such peculiar violence in all this border region, amused himself and kept his prisoners from sleeping, by amiably warning them, with appropriate epithets, that "they would all be in hell before morning." This massacre Brant succeeded in preventing; and after another rigid examination of Harper, informed him that he and his men would be taken into captivity, but their lives spared. The merit of this interposition and leniency may be better appreciated when we consider that the savages were highly exasperated by their disappointment in this laborious expedition, and that they also suspected Harper of deceiving them, which he had done.

Some incidents occurred on this march too illustrative to be omitted. On the second day they fell in with a friendly white, who flatly contradicted Harper's account. This was a critical moment for the latter. The Chief brought him to a third scrutiny, which, however, he bore so well, that the uplifted tomahawk was again averted. The same day an old man was captured, who finally proved unable to keep up with the march, and was quietly despatched without unnecessary pain or delay, probably by Brant's permission, and at all events according to regular custom. The Indians, it should be observed, were all this time laden with plunder, only part of

which could be carried by their prisoners, while some of their number must act as guards, and no doubt others as scouts. The better the real situation of these people in war is understood, the less intrinsic cruelty will be seen in their belligerent customs. The whole system was harsh, but it was harmoniously so; the circumstances were harsh which suggested and which sustained it. And we must bear in mind, that when Brant, by a truly extraordinary effort, obtained a sort of illegal respite for an enemy, it was done somewhat at the expense of the system itself, and went to alter it. It was setting a precedent, of some authority, to that effect. This consideration undoubtedly weighed with a people so remarkable for regularity as the Indians notoriously are. No doubt indeed it affected Brant's own mind, for he now was an Indian too, the chief of them,—struggling desperately for the rights of the race, and even for their existence.

In the sequel of this march we are told—

"Being heavily encumbered with luggage, and withal tightly pinioned, the prisoners must have sunk by the way, at the rate the Indians travelled, and would probably have been tomahawked but for the indisposition of Brant, who, providentially for the prisoners, was attacked with fever and ague—so that every alternate day he was unable to travel. These interruptions gave them time to rest and recruit. Brant wrought his own cure by a truly Indian remedy. Watching upon the southern side of a hill, where serpents usually crawl forth in the spring to bask in the sunbeams, he caught a rattlesnake, which was immediately made into soup, of which he ate. A speedy cure was the consequence."—*Vol.* ii. *pp.* 58, 59.

We pass over a most graphic scene, in which the exploits of some white men, just escaped from another Indian party by killing nine of their captors in sleep, had well nigh proved fatal to Harper's band. "The effect on the warriors, who "gathered in a group to hear the recital, was inexpressibly "fearful. Rage and a desire of revenge seemed to kindle "every bosom, and light every eye as with burning coals: "they crowded round the prisoners in a circle, and began to "make preparations for hacking them to pieces!" Once more, however, their lives are rescued from these rude hands; the march proceeds: a famine begins at last, and here we have a genuine specimen of humanity.

"A luxury, however, awaited them, in the remains of a horse which had been left by Sullivan's expedition to perish from the severity of the

winter. The wolves had eaten all flesh from the poor animal's bones excepting upon the under side. When the carcass was turned over, a quantity of the flesh yet remained, *which was equally distributed among the whole party and devoured.* On reaching the Genessee river, they met a party of Indians preparing to plant corn. These laborers had a fine horse, which Brant directed to be instantly killed, dressed, and divided among his famishing company. They had neither bread nor salt; but Brant instructed the prisoners to use the white ashes of the wood they were burning as a substitute for the latter ingredient, and it was found to answer an excellent purpose. The meal was partaken of, and relished as the rarest delicacy they had ever eaten. In regard to provisions, it must be mentioned to the credit of Captain Brant, that he was careful to enforce an equal distribution of all they had among his own warriors and the prisoners. *All fared exactly alike."—Vol.* ii. *page* 61.

This, too, was no doubt *customary* humanity, else, under such exigences the savages would never have submitted to its application;—the prisoners would all have been murdered, as it were, in self-preservation. But it had been resolved—regularly—twice—that they should be saved. The decree had gone forth; the Indian honor was pledged: hence they must be fed as well as spared, even at the risk of the captors' own lives. Such was the system again. It was, after all, as rigidly humane as it was sternly, *Romanly* severe. And now we have another memorable trait of Brant's true character. We have seen how he inured himself to the savage bearing; we have now an instance where he could exercise his native good feeling, and practise even his Christian lessons as well, without too fatal a disregard of the customs of the people who were after all his first care, and of the immediate circumstances which demanded his greatest attention. To understand this case, we must premise that the Indians have a custom, when male captives are brought in, of making them "*run the gauntlet,*" that is, through two long lines of warriors armed with various weapons, and who may exercise these instruments upon them pretty much at their discretion. If an expedition has been unfortunate, or the prisoners mischievous, or *cowardly,* (for the savages respect an enemy's courage as much as their own*,) this "discretion"

* Heckewelder gives a good illustration of this. He is speaking of the gauntlet-post, pointed out to a party of captives:

"The youngest of them, without a moment's hesitation, immediately started for it, and reached it fortunately without receiving a single blow; the second hesita-

sometimes proves fatal to those under its charge. Now there were multitudes of Indians at Niagara, and this Brant knew; he knew, too, that his captives were worn out with fatigue: so, (as it afterwards appeared,) without apprising any one of his plan, he sent on an *avant-courier* to the station, to one Moore, who had lately married, as it happened, a niece of the prisoner Harper; though even this fact was unknown to the latter. The consequence was, that Moore contrived to have most of the male Indians drawn off to a frolic at some other place.

"Such was the scene which Harper and his fellow-prisoners now had in near prospect. They of course well knew the usages of Indian warfare, and must expect to submit. Nor was the chance of escape from injury very cheering, enfeebled and worn down as they were by their journey and its privations. Miserable comforters, therefore, were their white guards, who were tantalizing them in anticipation, by describing this approaching preliminary cruelty. But on emerging from the woods, and approaching the first Indian encampment, what was the surprise of the prisoners, and the chagrin of their conductors, at finding the Indian warriors absent from the encampment, and their place supplied by a regiment of British soldiers! There were only a few Indian boys and some old women in the camp; and these offered no violence to the prisoners, excepting one of the squaws, who struck young Patchin over the head with an instrument which caused the blood to flow freely. But the second encampment, lying nearest the fort, and usually occupied by the fiercest and most savage of the Indian warriors, was yet to be passed. On arriving at this, also, the Indians were gone, and another regiment of troops were on parade, formed in two parallel lines, to protect the prisoners. Thus the Mohawk chief led his prisoners directly through the dreaded encampments, and brought them safely into the fort."—*Vol.* ii. *page* 63.

And this is the same man whom, further on—having now

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ted for a moment, but recollecting himself, he also ran as fast as he could, and likewise reached the post unhurt; but the third, frightened at seeing so many men, women, and children, with weapons in their hands ready to strike him, kept begging the Captain to spare his life, saying he was a mason, and would build him a large stone house, or do any work for him that he should please. 'Run for your life,' cried the Chief to him, 'and don't talk now of building houses!' But the poor fellow still insisted, begging and praying to the Captain; who, at last, finding his exhortations vain, and fearing the consequences, turned his back upon him, and would not hear him any longer. Our mason now began to run, but received many a hard blow, one of which nearly brought him to the ground, which, if he had fallen, would at once have decided his fate. He, however, reached the goal, not without being badly bruised, and he was, besides, bitterly reproached and scoffed at all round as a vile coward; while the others were hailed as brave men, and received tokens of universal approbation."—*Vol.* ii. *page* 62, *note.*

resumed the Indian—we find carrying havoc into the rich vales of Canajorharie, where, we are told,

"The strength of the main fort did not deter the chief from leading his warriors directly into its vicinity, where the church, distant about a quarter of a mile, and the parsonage, together with several other buildings, were burnt. Sixteen of the inhabitants were killed, between fifty and sixty persons, mostly women and children, were taken prisoners, fifty-three dwelling-houses, and as many barns were burnt, together with a grist-mill, two small forts, and a handsome church. Upward of three hundred black cattle and horses were killed or driven away, the arms of the people, their working tools and implements of husbandry destroyed, and the growing crops swept from the fields. Indeed, the fairest district of the valley was in a single day rendered a scene of wailing and desolation; and the ravages enacted in the Indian country by General Sullivan the preceding year, were in part most unexpectedly re-enacted by the Indian chieftain himself in the heart of the country of his invaders*."—*Vol.* ii. *page* 96.

The last remark compels us to remind the reader that this ravaging system was by no means confined to the Indian side. With them indeed it was regular, but the civilized parties to the contest were ready disciples in their school. As we have hinted before, they far exceeded their masters in the end, if not in the beginning. The red men were exact in cruelty. They had a principle, a system. They could claim their pound of flesh by bond; but more than this they did not claim: shedding even of "one drop of blood" beyond it was disgraceful in their eyes. The whites, on the contrary, did not understand this, or would not. They did from choice what the Indians did by rule. Once cut loose from the civilized code of warfare, the whole ocean of human passion was before them, with no check of any kind. In a word, the red men were warriors, the white men pirates. Here is a striking illustration of what we mean, or at least of Brant's own opinion about it. The incident occurred at Fort Hunter, at the time of an invasion by Brant and Sir J. Johnson, which had just been driven back. The plundered and distressed inhabitants, it is said, now

"crowded about the fort, each his tale of loss or grief to relate. Among them was a woman, whose husband and several other members of the

* "A detachment from this expedition was sent by Brant, at the same time, against the settlement on the Norman's Kill, in the very neighbourhood of Albany, where they succeeded in burning twenty houses."—*Macauley.*

family were missing. She was in an agony of grief, rendered more poignant by the loss of her infant, which had been snatched from the cradle. Early the next morning, while the officers at Van Rensselaer's head-quarters were at breakfast, a young Indian warrior came bounding into the room like a stag, bearing an infant in his arms, and also a letter from Brant, addressed 'to the commanding officer of the rebel army.' General Van Rensselaer not being present at the moment, the letter was opened by one of his suite, and read substantially as follows:—

"'Sir: I send you, by one of my runners, the child which he will deliver, that you may know that, whatever others may do, *I* do not make war upon women and children. I am sorry to say that I have those engaged with me in the service, who are more savage than the savages themselves.'" —*Vol.* ii. *pp.* 125, 126.

The infant proved to be that of the disconsolate mother mentioned above. And this, again, is the same man, whom, after a long, laborious 'fall' campaign, we find at the head of twelve hundred savages, in the winter, at the Niagara post! and then in 1781, even so early as "during the months of February and "March, Brant was hovering about the Mohawk, ready to "spring upon every load of supply destined for the forts, and "cutting off every straggling soldier or inhabitant so unfortu-"nate as to fall within his grasp.*" Well may the author call him the "lynx-eyed Chieftain,"—a name much better earned by him, at least in war, than by Red Jacket, whose Indian title was literally "*the keeper-awake.*"

And thus we might go on through the whole of this man's military career; but the principle of it all is the same. Everywhere and always he was ready, at a moment's notice, to put off and put on, either his savage or his civilized aspect, as though it were merely a masque or a coat of armour; and in the former capacity, not less than the latter, we confess he appears to us perfectly thorough-going, cordial, and at home. Deeply interesting and curious are the forest-glimpses we get of him, as he glances and darts, as it were, from the one system to the other,—his character now glistening gorgeously in gleams of the sunshine even of the highest civilization as well as the noblest chivalry, and now shrinking from both with a frown, and retreating gloomily into shade. But enough of this has appeared to make out our case of a *two-lifed man,* which we have pronounced so rare. We will

* Volume ii. p. 143.

only add, as a matter of minor curiosity, the chieftain's martial costume: it is the account of a captive :—

"While in the guard-house, the prisoners were visited by Brant, of whom Captain Snyder says—'he was a likely fellow, of a fierce aspect—tall and rather spare—well-spoken, and apparently about thirty (forty) years of age. He wore mocassins, elegantly trimmed with beads—leggings and breech-cloth of superfine blue—short green coat, with two silver epaulets—and a small, laced, round hat. By his side hung an elegant silver-mounted cutlass, and his blanket of blue cloth, purposely dropped in the chair on which he sat, to display his epaulets, was gorgeously decorated with a border of red.'"—*Vol.* ii. *page* 67.

and the following amusing anecdote, illustrative of Brant's humour, and of the facility with which he could put his "savagery" on:

"During his stay in London, a grand fancy ball, or masquerade, was got up with great splendor, and numerously attended by the nobility and gentry. Captain Brant, at the instance of Earl Moira, was also present, richly dressed in the costume of his nation, wearing no mask, but painting one half of his face. His plumes nodded as proudly in his cap as though the blood of a hundred Percies coursed through his veins, and his tomahawk glittered in his girdle like burnished silver. There was, likewise, in the gay and gallant throng a stately Turkish *diplomat* of rank, accompanied by two houris, whose attention was particularly attracted by the grotesque appearance of the chieftain's singular, and, as he supposed, fantastic attire. The pageant was brilliant as the imagination could desire; but among the whole motley throng of pilgrims and warriors, hermits and shepherds, knights, damsels, and gipsies, there was, to the eye of the Mussulman, no character so picturesque and striking as that of the Mohawk; which, being natural, appeared to be the best made up. He scrutinized the chief very closely, and mistaking his *rouge et noir* complexion for a painted visor, the Turk took the liberty of attempting to handle his nose. Brant had, of course, watched the workings of his observation, and felt in the humor of a little sport. No sooner, therefore, had Hassan touched his facial point of honor, under the mistaken idea that it was of no better material than the parchment nose of the Strasburgh trumpeter, than the Chieftain made the hall resound with the appalling war-whoop, and at the same instant the tomahawk leaped from his girdle, and flashed around the astounded Mussulman's head, as though his good master, the Sultan, in a minute more, would be relieved from any future trouble in the matter of taking it off. Such a piercing and frightful cry had never before rung through that *salon* of fashion; and breaking suddenly, and with startling wildness, upon the ears of the merry throng, its effect was prodigious. The Turk himself trembled with terror, while the female masquers—the gentle shepherdesses, and fortune-telling crones, Turks, Jews and gipsies, bear-leaders and their bears, Falstaffs, friars, and

fortune-tellers, Sultans, nurses and Columbines, shrieked, screamed and scudded away as though the Mohawks had broken into the festive hall in a body. The matter, however, was soon explained; and the incident was accounted as happy in the end as it was adroitly enacted by the good humored Mohawk.*"—*Vol.* ii. *pp.* 259. 260.

But we must not leave Brant here. It would be most unjust to him not to allude, at least more emphatically than we have done, to his character as a statesman and a patriot. He was not less thoroughly Mohawk or Indian in the council, or in his warmest affections and his highest ambition, than he was or could be in the field. He acted the warrior, indeed, with the energy we have described, for the reason that he looked forward to peace and security and civilization and permanent character and prosperity among his tribe and his race; and because he panted for all these. To attain them he found or thought it necessary to rouse himself and his people for a determined struggle. Their lands, rights, liberties, existence, were at stake. There must be no flinching in such a contest. It might be the *last* occasion for putting forth the terrible capacities of their belligerent system in defence or offence, but it was certainly in his mind an occasion; and it was no time for commencing suddenly an experimental and radical modification of that system which the Indians could not yet appreciate, and which might at the same time prove fatal to the destinies of the red men†. The war being finished, we find the warrior no more; but the objects of that contest were not forgotten. The indefatigable activity, the sleepless anxiety of Brant were still alive for his people. Dropping the tomahawk, he bounded out of the forest the moment the signal of peace appeared, and with a facility and a reality of transformation of which the cleverest theatrical shiftings give scarcely a hint, he appears *instanter* and perfectly in character always—successively on the great stages of negotiation, legislation, civilized Christian and literary reform and repose. The history before us affords evidence of his conti-

* "This incident was somewhat differently related by the British Magazine, which represented that the weapon was raised by Brant in sober earnest; he having taken the freedom of the Turk for a real indignity. But such was clearly not the fact. His friends never so understood it."

† We should not forget that it was only by mixing among the Indians in their own style, that Brant could retain any influence over them whatever.

nual and unwearied efforts for the rights, possessions, dignity and improvement of his tribes. For them he visits Canada—the States—England—again and again. For them he gives up his time, rest, health, funds, his personal friends, his public favour. The Americans offered him large temptations, according to his own account, and his veracity is not disputed. They wished him to work in their service, that is, by inducing a peaceful temper among the troublesome north-western tribes after the war, and by bringing them to agree on a treaty about boundaries, which was finally settled, and with great difficulty, only in 1795. This he declined. He was in favour of peace, to be sure. He asked no pay for that, however; he would take none; nor would he accept compensation at all, even for real trouble, or time taken and spent, since he wished to be above even the suspicion of dishonour. So, too, though his whole life was devoted to the Mohawks, he never received a penny from them in return. Repeatedly, in contending for their cause he quarrelled with old acquaintances and real friends. The English authorities in Canada wanted to keep them under what was considered, no doubt, a proper and necessary guardianship or control. The Americans wished to do much the same. Both knew the policy of suggesting divisions among the Indians themselves: hence much trouble to Brant from a want of unanimity among his people. Of this he appreciated the vast importance, as well as his allies or his opponents. His great effort was to accomplish what their great effort was to prevent. Hence, conferences and councils and correspondence and missions to and fro, in all which Brant neither remitted his labours nor relaxed his high tone. In this there was a glorious, an heroic patriotism, which, splendid as it was,—when we think how little it was destined to avail, how fallen are the fortunes now of this people, once powerful,—with all our civilization, we cannot but regard in sorrowing and gloomy admiration. Of course, nothing less than complete independence could suit a spirit like this: a guardianship, a pupilage, a fealty!—his soul revolted at the thought. He says, in one of his speeches,

"'We were promised our lands for our services, and those lands we were to hold on the same footing with those we fled from at the commencement of the American war, when we joined, fought, and bled in your cause.

Now is published a proclamation, forbidding us leasing those very lands that were positively given us in lieu of those of which we were the sovereigns of the soil. This, brothers, is surely a contradiction that the least discerning person amongst you must perceive, and which we think wonderful. Of those lands we have forsaken, we sold, we leased, and we gave away, when and as often as we saw fit, without hindrance on the part of your government; for your government well knew we were the lawful sovereigns of the soil, and they had no right to interfere with us as independent nations.' In support of this assertion, the Chief proceeded to enumerate various sales and gifts of their lands; among which he mentioned the large and celebrated tract to Sir William Johnson, commonly called the Royal Grant, and for signing the conveyance of which the captain asserted that he received a present of fifty pounds."—*Vol.* ii. *pp.* 402, 403.

The progress and result of these negotiations we must leave here. In some cases Brant was successful; in other respects the questions at issue are unsettled to this day. The Americans, after Wayne's victory in 1795, effected their object in the treaty of the same year. Brant's grand design of a general Indian combination was broken up by circumstances which he could not control. The great statesman-like projects he cherished for the good of the race at large were then in a great measure abandoned, as they had been by Pontiac and Philip before. It remained only to do what he could for his confederacy and his tribe, and to this he devoted his attention till the time of his decease, as before described. His last words, it will be remembered, were still for the "poor Indians." He died, as he had lived, a savage patriot, no less than a civilized man. The Indian and the Christian expired as they had existed—together.

And so perished the last of the Mohawks! A warrior, a Mohawk, a true Indian, he clearly was: but for this we can forgive him. He was so born and bred. There was a charge committed to him. He felt himself responsible even in the eyes of the Great Spirit for his tribe, his confederacy, his race. Country, liberty, possessions, friends, home, might have their charms for him, for his soul at least was like the soul of the "pale face"—it was *white*. He was, in a word, what all mankind have honoured men for being. He contended with us and with every opponent for objects whose sacredness and whose sweetness have been from the first ages of history pronounced inalienable, inestimable, by the universal human heart. And more than this—he was not merely the white

man's foe, but his friend. Whenever the *first* claims upon him could be relaxed, the *second* were always heeded. He was faithful to every engagement. No stain on his honor can be shown. His fidelity to the ancient faith of his nation and to the English alliance never wavered. When occasion permitted it, he was lenient, merciful, magnanimous; even in war it delighted him to be so.

For all these things, as well as for his actual services, his splendid talents, his extraordinary character and career, the memory of Brant deserved the historian it has found—discriminating, generous, laborious and just. Mr. Stone's work is not faultless, but he has rendered the cause of letters and of philosophy on the whole a noble service; and we believe he will feel himself richly repaid for it in the honor and the justice which hereafter will be rendered at once to himself and to his hero.

Article II.

1. *The Kingdom of Christ, or Hints on the Principles, Ordinances and Constitution of the Catholic Church.* In Letters to a Member of the Society of Friends, by a Clergyman of the Church of England (the Rev. F. Maurice). London. Darton and Clark.
2. *The State in its relations to the Church.* By W. E. Gladstone, Esq., Student of Christchurch and M.P. for Newark. London. John Murray.

The titles of the works which we have selected for notice, as valuable contributions to one of the most important branches of political inquiry, will at once show the difference of the ends which their writers seek to attain. The divine is concerned with the state only where he finds it capable of being adopted into the scheme of Christianity; the politician must deal with a church, because he requires it as a supplement to human institutions, or meets with it as an unavoidable fact. Mr. Maurice appears to be unusually well acquainted with

the feelings and opinions of the various Dissenting sects; and he has taken occasion from a schism which has arisen in the Society of Quakers, to hold out to them, in these letters, the Catholic Church as the only communion in which they can find harmony or satisfaction of their spiritual wants. We do not purpose, on the present occasion, to enter into the profound reasoning by which he supports the principle, that the Church is neither a body of spiritually-minded men, nor a sect distinguished by doctrinal tests, but an organized polity or kingdom, of which all the nominal members are real subjects, however unworthy, and that of this kingdom the Catholic order is the appointed constitution. We may, however, incidentally remark, that he has brought out and applied with singular clearness the fact, that it is in the positive and practical portion of men's creeds, and not in the negations by which they are polemically distinguished, that we are to look for the partial truths which may serve as points of reconciliation. We shall confine ourselves to the investigation, which occupies the greater part of Mr. Maurice's third volume, where, in answer to the objections brought by Quakers and other Dissenters against the connexion of Church and State, he inquires into the compatibility of a national establishment on the one hand with the true idea of the State, and on the other with that of Catholic Christianity.

The point of view from which Mr. Gladstone proposes to discuss the question, is that which men occupy as members of a state: "first, because the combatant in defensive war-" fare naturally resorts, ἐπὶ τὸ κάμνον, to the quarter which " is threatened and in danger; because the church is not " likely to be the moving party in measures for the dissolu-" tion of this connection, while the state has, it is too certain, " given signs, though perhaps unconsciously, of that incli-" nation. * * * * But besides the fact, that we are more " ignorant of our duties as citizens than as churchmen, in " respect of the connection, we shall find another reason for " instituting the investigation in the former capacity rather " than in the latter. The union to the church is a matter of " second-rate importance; her foundations are on the holy " hills," &c., &c. "But the state, in rejecting her, would " actively violate its most solemn duty, and would, if the

"theory of the connection be sound, entail upon itself a "curse," &c.

After stating and criticizing a number of theories from Hooker down to Chalmers, he successively inquires into the general obligation of governments to support the Church, into the influence of state-connexion on personal religion, the ecclesiastical supremacy of the crown in England, the origin and the use and abuse of private judgment, including the history of toleration, the present constitutional and administrative practice, and lastly into the existing tendencies towards the separation of the Church from the State. Mr. Gladstone's high reputation has attracted general attention to his work, and we hope that it may be serviceable even to those who may fail to find satisfaction in his views, by teaching them the paradoxical truism, that discussions which bear upon the struggles of the day may be conducted as investigations into truth. In his rejection of balance and compromise, his reference of the practice which he would pursue to the principles he can approve, and his readiness to realize theory in action, the successful orator and practical politician will convey a more effectual lesson than umbratile philosophers like ourselves could teach by many an argument and remonstrance.

Some of our readers may recollect the joy with which the announcement of the work was hailed by the newspapers of Mr. Gladstone's party. Brandishing in anticipation the arms which they were to draw from it, they greeted its birth with a chorus of applause, and filled their columns with extracts, which they had not yet time to study. But on the second or third day it occurred to them to read what they had admired, and then they found their watchwords adopted as truth, and their weapons as inestimable treasures, while the territory and triumph for which they had been contending were disregarded as worthless or irrelevant. If they raised a cry of disappointment and alarm we can scarcely blame them, when we remember within how late a period all advocates of innovation were solely met by modifications of one apologetic formula for all existing institutions: "It is not so bad," it was said, "as might have been expected: "there is greater danger in change. And if you will have

"change, we have begun it, and will continue to introduce it "by degrees. The laws against gypsies are repealed, and the "wager of battle abolished. The civil list is not so large as "you suppose, and has moreover a tendency to encourage "trade. The clergy are becoming as active and pious as the "Dissenters; the aristocracy are willing to effect nearly half "the objects of the people." But the sturdy utilitarians and economists were not to be baffled by a tacit admission that they were right; they persisted in thinking presidents cheaper than kings, and delegates truer indexes of the will of the majority than even the most liberal of lords; and they pushed their victories over the outworks of argument, till they came to the inner stronghold of feeling and instinctive conviction, which formed the true defence of ancestral customs and institutions. Forced to seek a reason for the faith that was in them, the party of resistance began to substitute justification for excuse, to infer the objects of laws from their effects, the intention from the tendency. If in recognizing facts as the symbols of ideas, they not unfrequently transferred to the particular case the essential necessity of the idea, it was a fallacy which frequently brought confusion and defeat on the less clear-headed of the assailants, who were tempted to attack impregnable truths, when they saw a weak point in the forms that represented them for the time.

The Church is no doubt indebted, for much of its increased popularity and influence, to the spread of professional activity among the clergy, which the world is always ready to appreciate and esteem; but in the estimation of thoughtful men it has derived more advantage from the change in the tone of controversy which we have described,—a change which may be attributed, in the first place, to the time, and in the second, as far as it could be the work of an individual, to Coleridge.

His contributions to political science form the most finished and systematic of his works; but his indirect influence upon opinion, by his application of German boldness and ingenuity in the discovery of theories to the support of habitual beliefs, to which he clung with English tenacity, and, above all, by his earnest recommendation and unceasing exercise of deep and speculative thought, which he felt to be the great want of his age and country, has tended more to the advancement

of knowledge than any formal doctrines of his own. He was the great master of the philosophy of conservatism, which seeks to harmonize what it finds, rather than to make room for newer systems; and he was well aware that its highest problem was to justify and explain the most important of positive institutions,—the national establishment of a church. Mr. Maurice and Mr. Gladstone, who agree in acknowledging their obligations to Coleridge, have followed his example in grappling with this difficult question, and have arrived, in the main, at the same result, though, in many respects, their paths are different. They hold that the Church limits its utility, and that the State is incapable of performing its functions, where they are severally deprived of the advantages of union and mutual co-operation. How far these propositions are founded in truth, it is our present purpose to inquire.

Mr. Gladstone derives the obligation of the governing body in a state to profess a religion, first from the fact that it is composed of individual men, who, "being appointed to "act in a definite moral capacity, must sanctify their acts "done in that capacity by the offices of religion, inasmuch "as the acts cannot otherwise be acceptable to God, or any-"thing but sinful and punishable in themselves. And when-"ever we turn away from God in our conduct, we are living "atheistically," &c.—*Page* 28.

A confusion appears to us to exist here between the influences of religion, and its offices or external symbols. We are willing to admit that religion, if it is anything, must be the ruling principle of every action of life, but not that it is at every point of our course to be contemplated as a thing apart. Religious ordinances are appointed to guard against the absorption of religion in the world, which it is its office to purify. Festivals and occasional prayers, and commemorative services, attach peculiar holiness to some parts of life, to remind us that it should all be holy; even as baronial privileges and municipal immunities pointed to universal freedom: but in as far as they are partial, they are by nature transitory; and while they remain, they depend solely on authority and expediency. We see some advantage and no harm in the daily prayers of the Houses of Parliament, or in the attendance of the judges of assize at church,—two points which Mr. Glad-

stone properly includes in his enumeration of the signs of the nationality of the English Church; but we confess that we should find it difficult to show that either sessions of Parliament or assizes require the influence of religion, more than a meeting of the Cabinet, or an interview of plenipotentiaries on a protocol. We cannot understand how Mr. Gladstone can avoid the obvious absurdities which would follow from the application of his principle to its full extent. Is every society that is formed to sanctify its acts by the ordinances of religion? or is there any which can act otherwise "than in a definite moral capacity"? It is evident that we might instance the most trivial associations; and if we appeared to cast ridicule on the rule, the fault would be Mr. Gladstone's and not ours; for a rule professedly universal challenges the test of extreme cases. We do not here impugn the doctrine, that the governing body ought to profess a religion, or the position that it may be desirable for them, as such, to connect the ordinances of religion with their acts; but we maintain that the duty which is at all times and in all places incumbent upon them, is neither the consecration of isolated functions, nor the casual or periodical recognition of God, but individually to enlighten their consciences by religion, and to carry its spirit into their public acts. The question, however, is comparatively unimportant, as the obligation to profess a religion does not, it is admitted (p. 53), necessarily imply the obligation to propagate it, or, in the usual sense of the word, to establish it. The Romanist king of Lutheran Saxony, who is exempted by Mr. Gladstone from the obligation of converting his subjects, ought doubtless, according to his own communion, to sanctify his acts by the offices of religion.

The second reason which is alleged for the profession of a religion by the government lies deeper.

"There is also a real and not merely supposititious personality of nations, which entails likewise its own religious responsibilities. The plainest exposition of national personality is this, that the nation fulfils the great conditions of a person; namely, that it has unity of acting and unity of suffering; with the difference, that what is physically single in the one is joint or morally single in the other. * * * National honour and good faith are words in every one's mouth. How do they less imply a personality in nations than the duty for which we now contend? They are

strictly and essentially distinct from the honour and good faith of all the persons composing the nation. France is a person to us, and we to her, &c."—*Pages* 37, 38.

To pass over the loose phraseology of "joint or morally single" as opposed to "physically single," we may remark, that as far as Mr. Gladstone's explanations go, they will apply to the smallest club, partnership or corporation, as well as to the State. The Bank of England has unity of acting and suffering; its honour and good faith are distinct from the honour and good faith of its shareholders; it is a person to the Treasury, and the Treasury to it. Yet we should hardly say of the Bank as Mr. Gladstone says of the nation, that "having a personality, it lies under the obligation, like "the individuals composing its governing body, of sanctify-"ing the acts of that personality by the offices of religion." We are aware, that although Mr. Gladstone's language is applicable to any corporation, there is a difference between a voluntary association and one into which we are born, and under which we must live; but the distinction is one of degree only. The personality of a corporation or of a state is a form of the imagination, which enables the members of the body, in their corporate transactions, to support the commands of conscience by a definite personal interest. As individuals we are repugnant not merely to wrong being done, but to its being done by us. In corporate or civic transactions our participation in an act is individually so small, that we require an independent subject to which responsibility may attach; and we find one in the personality of the society or the State. If England injures France wrongfully, it is a ground of remorse to the conscience of every statesman who urged or legislator who supported the measure, of every elector or friend who could influence an elector, of every writer or speaker who contributed, however remotely, to the perpetration of the wrong; and that their consciences may be awakened, it presents itself to their minds, not as the fraction of an unjust act on the part of this man or that, but as a total and complete violation of conscience on the part of the personified nation.

We have called it a form of the imagination, not a fiction. We agree in a view which Mr. Maurice has admirably deve-

loped, that our social and family relations are our best preservatives against the tyranny of self. "The moment that a "man begins to think of himself as the relation of another "person, he is reminded that he *is* something." The perfect and universal communion, which humanity faintly struggles for, and religion proposes to further, is imaged to us in all things which identify us with our fellows, in single-minded affection, in recognised community of interests, and not least in the power of practising a partial unity of action, and referring it to the personified unity of the agents. Until this ideal communion is realized, which can be but by approximation within the limits of time, it is impossible that a joint conscience should exist, except in this typical form or *schema* of the imagination. If a national worship will support the influence of the form, it will be of service; but this admission will not suit Mr. Gladstone's purpose; and we can neither concede the real personality of the State in the strict sense of the word, nor identify, on the hypothesis of a quasi-personality, the obligation to celebrate the offices with the duty of expressing the spirit of religion. This argument, however, is more closely connected with Mr. Gladstone's system than the first which he produced; for although the individual conscience of the members of a government can only bind them to act in the spirit of religion, the corporate personality, if it exists at all, may seem to involve a corporate obligation to attend, like other persons, to that portion of religious duty which consists in external ordinances.

Mr. Maurice commences with different premises: "It "seems to Dr. Chalmers that the State is bound to protect "and encourage religion *as such*. The author of this tract, "Episcopalian as he is, offends much less against the liberal "doctrine on the subject, than the learned and eloquent "Presbyterian. He does not assume any direct obligations "in the State to propagate a faith. He supposes that a State "is bound, first of all, to maintain its own existence. Be-"cause it cannot do this unless its people are educated, it "must procure them an education; because there is no other "power adequate to educate the mind of a nation or of a "man, it must have recourse to religion."—*Preface to vol.* iii. What Mr. Maurice means by education he explains more

fully in the Tenth Letter, to which we must refer our readers, as we have little room for extracts. The following passages will show that he does not mean mere instruction:

"It seems to me, that discarding all questions about what should be taught, and what may be left untaught, we may all agree in this conclusion, that the State wants men of a certain description for its subjects, and that it hopes to procure these men by means of education. But then those words, 'men of a certain description,' are so happily indefinite. There is nothing, it will be said, which a plotting priest may not introduce under cover of such a phrase. 'Men of a certain description' mean, of course, men who believe certain doctrines, or, better still, who will believe anything you tell them. Perhaps so; but I will say what kind of men I was thinking of, what kind of men I think a state requires, and should seek by education to obtain. They should, I think, be FREE MEN. Freedom is the one quality that, I believe, an education should procure for men. Any education that will make men free, I hold to be a good education; any education that does not aim at this purpose, I hold to be a bad education; any education that does not, in some degree, accomplish it, I hold to be an ineffectual education."—*Vol.* iii. *p.* 136.

He proceeds to argue, that the State wants men to obey its laws, that disobedience proceeds from the force of nature and inclination, that the same force is hostile to thought, energy and will, and prepares men to be slaves. The same thing which causes a man to be a slave, causes him to resist the laws; and therefore the interest of the State coincides with the interest of every man who wishes freedom for himself or his fellows.

"Here then is the doctrine of education, as it was laid down by thoughtful and earnest men ages ago. To deliver a man out of the shackles of nature and inclination, to enable him to become free in his bodily powers, free in his understanding, free in his affections, free in his reason and his will, this is the end after which education has always striven,—this is the very meaning of education; for this alone the statesman wants it."

To these statements we have nothing to add: their truth appears to us incontrovertible; and we hope that we shall not be opposing the author's views, if we refer to them in opposition to Mr. Gladstone as the true substitute for the propositions with regard to the religion of a state, which we have above discussed. The space we have devoted to the consideration of the matter will not have been wasted if we have established the preliminary negative, that the State is not bound to profess and maintain religion as such. It is

easier to come to an understanding on matters of expediency, when we are agreed as to the standards to which they are to be referred. The remainder of the question may be reduced to the following issues: 1. Is religion the necessary basis of education? which we shall assume as granted. 2. Is religion most effectually secured by state-connexion? 3. Is the Catholic Church, or the body which lays claim to apostolical succession, justified in its claims to represent religion?

Mr. Gladstone appeals to the many proofs which have been furnished of the insufficiency of voluntary exertion to supply religious instruction. He shows, that whatever worldliness may result from the pecuniary support of a religion, will be equally produced, whether the endowment arises from the State or from individuals. An opponent may indeed maintain, that the Church ought to live from day to day. "It is "manifest that he would thus get over the temptations af- "forded by endowment to indolent persons; but it is far "from being equally clear, that he would exclude a yet more "dangerous class, of those, namely, who speak to the fancies, "passions and prepossessions of men, and who not merely "neglect, but positively pervert the truth of God."—*p.* 46. The counterpart of this danger, in the shape of civil disturbance from fanaticism, has been long since pointed out by Hume with a clearness that precludes addition or commentary. But besides the funds at its disposal, the State has other facilities for encouraging religion, which Mr. Gladstone points out with remarkable distinctness and justness. The influence of law on opinion, independently of the physical power which may be at its disposal, is, as he well observes, as real as that of parents over children. It operates, he says, on the worldly man, because he will support any law to avoid confusion; on the timid, who are friendly to the principle it supports, by affording them countenance; and on men in general through the influence of loyalty and patriotism, because those sentiments attach to all the great institutions of the nation.

The truth which is here laid down, that the State has, in addition to its material resources, a vast moral power in its habitual hold on the fears and affections of its subjects, while it increases our reverence for the national sovereignty, may

also make us cautious how we tamper with its nature. We cherish in our minds the representation of the State as possessing an objective existence, and invest its will with the sacred attributes of law, because we know that functions must be performed, of which individuals alone, or in masses, are incapable, and that law, to be operative at all, must act through an appointed organ: but loyalty is sensitive and delicate; it will not bear to be speculated upon by its object, and made a reason for pursuing the course which it renders practicable.

The first great duty of the State is single-mindedness. It must pursue its own interests alone; it holds its powers as a trustee for that end, and it must not recognise higher ends. Education is one of its proper objects; but if it tries to communicate to a particular form or instrument of education a portion of its own sacredness, the possible imperfection of that instrument may attach to the object of loyalty which is identified with it; and thus religion, which in the present inquiry is assumed to exist for the sake of the State, may come to be abused to its desecration:

"Et propter vitam vivendi perdere causas."

While we think this caution necessary, we readily acquit Mr. Gladstone of the error against which it is meant to guard. He is only speaking of the power of law as a fact, and not of the principles which are to direct its application. He next proceeds to the question of the competency of the governing body to choose a religion for its subjects.

"If the judgment of the legislature be, upon the average, better qualified to find and attest the truth in such a matter than that of the people, then, to that very same extent, it is entitled, and therefore bound to be the instructor of the people." * * * "If the government be good, let it have its natural duties and powers at its command; but if not good, let it be made so." * * * "We follow the legitimate course in looking first for the true ἰδέα, or abstract conception of a government, of course with allowance for the evil and the frailty that are in man, and then in examining whether there be comprised in that ἰδέα a capacity and a consequent duty on the part of a government to lay down any laws, or devote any means for the purposes of religion, in short, to exercise a choice upon religion."—*Pages* 54-57.

The true ἰδέα of a state cannot be defined better than by the assumption on which Plato founded his Polity, that the

perfect state will be a duplicate in larger type of the perfect man, employing in their fit places its faculties of purveyance or defence, as the sovereign authority of reason may direct; and it is indisputable, that in examining "whether there be "comprised in that ἰδέα a capacity and duty to exercise a "choice upon religion," we must not only decide in the affirmative, but attribute to even a rude approximation to the ἰδέα a proportionate capacity and duty. We agree that the nature of a thing is to be estimated from its perfection, and not from its commencement. And yet why is it that experience seems to contradict our deduction? From the beginning of the corruptions of Rome till now, has any government, except our own, decided for its people on the establishment of our Church? If we are right, all the world must have been wrong; and though it is well for us to have acted on the faith of the true ἰδέα, it would have been better for Prussia and Spain and Scotland to have exercised no national choice on religion. In fact, we feel and know that the opinion of legislators and administrators on religion is often worse than worthless. Mr. Gladstone would probably reverence, as little as ourselves, a declaratory Act of Parliament to explain the meaning of the Apostolical Succession. We proved, *à priori*, that the State was qualified to choose a religion; we can prove by induction that it is no judge of theological controversy. Why is this? Are we to take refuge in the abandonment of our principles, or to acquiesce in the variance of practice from theory?

The solution of the difficulty may be found in the ambiguity of the term *State*. We have attributed to a part the predicate of the whole,—to the legislative or executive body the prerogatives which belong to the universal commonwealth. It is an old and a sound belief,

> "That there 's on earth a yet diviner thing,
> Veil'd though it be, than Parliament or King."

This higher being is the whole State, which transcends the government because it includes it. We speak of no fictitious residuum of sovereignty in the nation: let all constituencies, to the lowest fraction of influence, be included in the government, and let it possess, as it needs must, the

most absolute and unbounded power to command, and its subjects the most unhesitating readiness to obey,—yet regions will remain which it cannot claim. Art, science, literature, philosophy, the whole domain of the speculative reason will still be independent, for government is essentially practical. We admit and reverence its competency to do, we maintain our own prerogative to think. If government taxes us for the support of Juggernaut, we are bound as subjects to pay, although, as directly or indirectly members of the government, we may be responsible for the act; if government tells us that Juggernaut is a god, we reply that the voice of government is a command, and the godship of Juggernaut a proposition. Theology is exclusively speculative: opinion is the result of speculation. The most ignorant artisan who decides that chapel is more spiritual than church, is so far as purely a theorist as Mr. Newman when he argues against Luther's doctrine of justification.

Yet as practice is based at every step on speculation, and the idea of pure good involves the knowledge of pure truth, it might seem that theology and philosophy were the first requisites of statesmen; that kings must be sages or sages kings. A great thinker of the last generation, with true logical consistency, proposed, as the highest polity, a hierarchy of transcendental philosophers, served, in their ministerial functions, by philosophers non-transcendental (*Fichte. Rechtslehre*). But as the imperfection of human nature will rarely allow of the union of the two great requisites of government, it is sufficient that the rulers should take counsel of the wisest men, as they might, in their several departments, of engineers, lawyers or architects, and judge for themselves from observation of circumstances, how far their communications are applicable to practice.

In arguing against the necessary competence of a government to judge in matters of religion, we might well have taken a farther exception to the implied limitation of the term 'government' to the more conspicuous members of the sovereign body; but as we have taken a wider view of the matter, it will be enough to have noted the confusion as a fruitful source of error. In the main result we agree with Mr. Gladstone, that in a state wholesomely situated and na-

turally constituted, it is the duty of the governing body, in consideration of the necessity of religion to the State, and of the advantages conferred on religion by national support, to endow and maintain a definite form of religion. The true reason which justifies the government in selection is, that it must choose, or there will be no establishment. An unavoidable inconvenience is involved in the possibility that it may choose wrongly, and the certainty that it will not be admitted by all to have chosen rightly. If it proposes its religion on the strength of its own claims to obedience and veneration, those who object to the doctrines may be tempted to deny its authority, and the danger be incurred, which we pointed out above, of the corruption of the sources of loyalty. Sincerity on the part of the ruler, and comprehension of the true state of the case on the part of the subject, will be found the only preservative. The State may disclaim all pretensions to infallibility, and yet rest on the expediency of having a religion, and the impossibility of a religion unconnected with disputable dogmas.

And on this ground the State may claim unqualified obedience. Individuals may differ from its decision, but they have no right to oppose it. An unjust war and a false religion may both be the effects of an error on the part of the government. Our consciences, as subjects, are discharged, though we pay for the support of both. If we can trace the error to the fundamental constitution of the State, it may be a sufficient motive for an attempt to overthrow the existing form of government; if it falls short of this, we must submit till the governing body discovers its mistake: *ποιητέον ἃ ἂν κελεύῃ ἡ πόλις, ἢ πειστέον αὐτὴν ᾗ τὸ δίκαιον πέφυκε.* Yet grossly inconsistent with the very notion of a state, as we hold the refusal of taxes or personal services on so-called conscientious grounds to be, we blame the erroneous views of the governing body more than the recusants, for the existence of the anomaly. When the State proclaims itself as the earthly god, the great Leviathan, and passes from its office of directing action to its usurped function of criticizing opinion, it provokes the just resistance of the free super-constitional conscience, after repelling the encroachment, to trespass in retaliation on the proper domain of government. If

we make tithes depend on right divine, our adversaries may easily deny the right human, the unimpeachable appointment of law. There are indeed outward acts so closely associated with opinion, that it is tyranny in the State to compel or to forbid them. A philosopher in the ranks would present arms to the procession of the host as an act of military obedience; but the ranks are not crowded with philosophers, and to an honest Presbyterian the act might be an enforced idolatry. But these are obviously matters of detail; what outward acts are thus identified with opinions, it is for the State to discover and to allow for in its legislation.

And here the question of persecution might seem to be at an end. The State has no right to punish what it has no right to know, and it has been taught its limits by resistance. Satire would probably have been too fine a weapon to penetrate far; yet we cannot but admire the note which the Jesuits attached to their edition of the *Principia*, to the effect that, in obedience to the Holy See, they acknowledged the falsehood of the Newtonian system; still the Pope was as good a judge of astronomy as the parliament of theological polemics. Perhaps Kant's acknowledgment was a still more delicate hint of encroachment. It is said that the king of Prussia wrote to him to say, that he understood that the Critical Philosophy was dangerous to religion and morality; he wished to take no harsh step, but he hoped the author would retract his heresy. The old philosopher replied, that as His Majesty wished it, he would renounce, and did thereby renounce, all his views. Mr. Gladstone's argument against persecution is derived from a different source, and is, we think, with the exception of the illustration it involves, the weakest part of his work. "The conclusive reason against persecution is "this: it is not prescribed to man as an instrument for his "use; and it is one which, not being so prescribed, it would "be sinful to employ, *as it would, for example, be sinful to* "*take away animal life, had we not the divine permission to* "*that effect.*"—*page* 77. Surely this is trifling with the notions of divine permission and command. Is an incidental revelation of a truth or of a law to prevent us from acknowledging the universal revelation, that the laws of nature are to be obeyed? and, conversely, is an absence of scriptural reve-

lation to imply a duty of not exerting our reason? Again, he says: "We have the right to enforce the laws of the land by "pains and penalties, because it is expressly given by Him "who has declared that the civil rulers, &c." * * * "And "so in things spiritual, had it pleased God to give the Church "or the State this power to be permanently exercised over "their members or mankind at large, we should have the "right to use it."—*page* 179.

If God has given us the ideas of Church and State, our resulting and correlative duty is to apply them to life, and for that purpose to contemplate the principles of their unity, and, as far as may be, to realize them in practice. If our task is facilitated by an external revelation, a translation, as it were, of some hard text which we are striving in vain to interpret, it becomes us to be thankful as for a truth communicated, but not created. If persecution tends to the production of the true Church and State, God has given us a power to use it; if, as we think, it does not, we do not understand how it should have been revealed. It is a waste of time to speculate on what the universe might have become under another system of laws. We regret that Mr. Gladstone has used this argument, the more because his views on the incapacity of force to operate on the religious principle are sound and satisfactory by themselves.

But his original propositions, with respect to the duty and competency of the governing body, lead him into a yet further difficulty. The maintenance of a Presbyterian establishment in Scotland, by an Anglican Catholic government, is a startling anomaly, if the State is bound to establish its own religion. He meets the objection thus: "It has become matter "of law, and of compact and good faith by the law as such. "To this extent it may be said, *fieri non debuit, factum valet.*" —*page* 243. And in accordance with this view, Mr. Gladstone recognises the duty of seeking, by individual exertion, the repeal of the law. We cannot, however, consent to let the matter rest here; the Act of Union may solve the difficulty for the moment, but we require the key to similar difficulties. If the establishment of the Kirk were an open question, if the Union were now to be formed under the circumstances which actually accompanied its proposal, the conso-

lidation of the two kingdoms being essential to the welfare of both, and the maintenance of Presbyterianism indispensable to the Scotch, would Mr. Gladstone reject the Union rather than admit the heresy? or would he, as in pursuance of his principles he must, if the Union had been carried without any previous stipulation as to religion, assist in imposing bishops and priests and deacons on the surplice-hating saints of the North? We hope that he would do neither, but rather modify his principles as he seems to us to have done in the extreme case of India. We admit that it would be inexpedient to press our religion on our Eastern subjects; but if we may consult a clear expediency there, we may calculate the doubtful balance of advantages in legislating for England.

Mr. Maurice's answer to the charge of inconsistency in defending the Scotch Establishment, is simple and satisfactory: "We believe that we could educate the Scotch on a "much better and more effectual system than they have "chosen for themselves, but we feel that we have no right to "leave them without education; and since we find that there "is not energy in their system to support itself, we must do "what we can to support it for them. * * * We support "the Presbyterian clergy in Scotland, because we believe "they have provided an education, though an insufficient "education, for their country." We doubt not that the rule might in many cases be applicable. It may always be desirable to establish the purest form of religion that a nation is capable and willing to receive; yet there is always a risk of perpetuating defects when we stop short of completeness. The forms of religion cannot be indifferent or equally good. The State cannot certainly ascertain the true religion; but there may be external or negative marks, which may lead it, when it is practicable, to prefer some one system to all the rest.

Mr. Gladstone thinks that fixity is one of such requisites; and as the religious principle may be assisted and perpetuated by the aid of an immutable external record, he considers that a statesman would prefer Quakerism to Socinianism, which tampers with the Bible. Similarly he would prefer to Quakerism sects which, besides the Scriptures, received the sacraments; to these, Presbyterianism with its confession of

faith; "and lastly he would prefer to this the polity of the "English Church, which superadds to the evidence and gua- "rantees of the Word, of sacraments, of creeds and of primi- "tive practices, a perpetual succession of clergy, by whom "these have been received as they were delivered in regular "order from hand to hand."—*page* 64. There is some truth in these distinctions, but they prove too much. If the Reformed Catholic Church offers many tests to the State, the Romanist bids higher by the mention of infallibility. "We "found to our horror," says an English devotee of Catholicism, after inquiring of a Romanist divine as to the possibility of reunion, "that the doctrine of the infallibility of the "Church made the acts of each successive council obligatory "for ever, that what had been once decided could never be "meddled with again."—*Froude's Remains, vol.* i. *p.* 307. Nay, the Church of Rome itself would be for state purposes improved by the schism-shunning and schism-creating Council of Trent, inasmuch as it condensed and solidified into doctrine all the loose superstitions which had before floated about in undetermined practice. We admit, however, that permanence and steadiness are negative conditions to be regarded by the State in choosing a religion, and that they are better secured by the perpetuity of a successive body, than by the rigour of articles and formulas. We cannot enter into the argument in favour of the Catholic Church derived from its truth. "A statesman believing in God will prefer revealed "to unrevealed religion. * * * On the same principle of "theism he will be bound to prefer the entire revelation of "God's will to any partial exhibition of it."—*pages* 65, 66. Undoubtedly he will do so; but an adversary might urge the superiority of a creed professedly unrevealed to one which he would represent as making false pretensions to revelation, and at this stage of the argument the statesman could scarcely answer him.

We now turn to Mr. Maurice: he has shown what education is, and why it is necessary to the life of the State; and it remains to inquire into the machinery which is to produce it. A thoughtful politician would at once perceive, "that "nothing short of a system which should penetrate the whole "heart of society; which should mingle and consubstantiate

"itself with all the forms of life; which should act upon and "through all the relations of life, would really satisfy his "wants. He may be quite unable to imagine how such a "system should be constructed; he may think that it must "imply the existence of a machinery, and of a body of men "to move that machinery, both very perilous to the civil "power."—*Vol.* iii. *pp.* 142, 143. The danger, however, must be faced, and the outline of the system drawn. Mr. Maurice assumes that there must be schoolmasters spread through the land, and hopes for the approbation of "Lord Brougham and the Central Committee," when he suggests that the payment of their labours should neither be derived from the Home Office, which might degrade them in the eyes of those whom they have to teach, nor collected by subscription, which might make them dependent upon them; and he trusts that he will not be "accused of the love of novelty for its own sake," if he suggests that the produce of the land in their respective districts should be taxed for their support. "I need "not go into details; some to whom the plan has been sug-"gested are, I believe, in favour of a twelfth; some of an "eighth; to strike a balance between them, let us say a "tenth." Again, as a sort of homage to the prevalence of the centralizing principle, he would consult uniformity, by placing the schoolmasters of a large district under the control of a superior, "let us call him, if you please, *overseer*, that we may still keep to the phraseology of the Poor Laws," who should be surrounded by a staff of learned men, exempted from the business of local instruction. He also proposes the establishment of certain corporations for the direct encouragement of the higher branches of learning, "to which "a useful knowledge writer, acquainted with the language of "the civilians, and liking to convey an oblique allusion to "the grand and comprehensive objects of these institutions, "would perhaps give the name of *universities*;" and for the harmless gratification of the prevalent taste for Greek derivatives, he would call the Unions, governed by the overseers, *dioceses*. Now where is the steam power to be found which is to work this complicated system? Suppose that the statesman looks round him, and finds it in actual operation; suppose that he finds, that at an early stage of the national hi-

story, a body of Freemasons have come from a distant southern land, and against the opposition, or under the indifference of the State, have created such a machinery and set it in motion, and continue at this hour to work it. The existing state has been formed under this mysterious influence; it finds this corporation in possession of the management of education, and it can only ask, what is the principle of the society? why it devoted itself to education, and why it gave vitality to the national system, instead of undermining it? The answer is, that it was founded on the distinction between the man and his animal nature,—that which he has ever been struggling to overcome, and has ever failed, till "a cry has "gone up from the common heart of human kind, that the "Being, to whom the conscience in man testifies, should "come forth * * * that he should give *freedom* to man." These Masons say that the call has been answered, that a body has been established, circumscribed by no limits of time and space, to enjoy the true estate of humanity, and that they are empowered to invite all men to this universal fellowship, and "to this end have liturgies, an inspired book, a holy feast of thanksgiving and communion." The Catholic Church, it need not be said, is the realization of this supposed body; and therefore, it is urged, the statesman has not to determine an open question, but to say whether it is wise to divert the funds of the Church from its purposes, or to allow them to be held as at present. And if it is objected, according to a widely-spread popular prejudice, that the Church of England is not the original national Church, he answers that Popery had oppressed the freedom and impeded the functions of the Church; that it had subjected the national sovereignty to a foreign head; and that the State exercised a competent and sound discretion, in declaring that portion of the Church, which protested against these innovations, to be the true representative of the original body. As he elsewhere forcibly remarks: "The Church may protest, evils may arise "that require to be denounced, and against these she will lift "up her voice; but Protestantism can never be her essential "characteristic—her name is Catholic. But a nation is es-"sentially Protestant; it denounces the very idea of a uni-"versal visible sovereignty,—of every sovereignty which in-

" terferes with the direct subordination of kings to God."—*Vol.* iii. *p.* 86.

We think that Mr. Maurice has made out a satisfactory case in favour of the Anglican Church. Doubtless it has educated and does educate the nation, and has a machinery admirably adapted to its functions; but we would ask him to apply, in this case also, his wise custom of looking for some portion of positive truth in every strong and widely-spread conviction. He must know how many honest men think that education is still unprovided for, and seek to promote it by societies and schools; but he seems scarcely to value instruction sufficiently, as the most powerful instrument of education. We do not think that boards or committees are sufficient to educate the people, but neither do we think that the Church can alone, or as its chief end, effect their instruction.

It is loudly urged by the most devoted friends of the Church, that religion is essential to teaching, and that instruction without religion is worse than utter ignorance. Religion is essential to teaching, but it is also essential to the untaught; and if it must be absent, it would not follow that the sufferer must also be deprived of all advantages. But, in fact, the probability of coming within the reach of religion is vastly increased by mental cultivation. The instructed intellect has a thousand avenues by which it may be reached, while the unlettered peasant knows but one. The deaf or the blind have temptation at one entrance quite shut out, and also the wisdom which might overcome temptation. It may be that the lettered villain is more dangerous than the ignorant, as the majority of highway robbers are doubtless athletic men; but who would cramp the muscles and the stature, because a vigorous body is a more dangerous weapon? The root of the error is want of faith; all things may be used to good or evil, but each is to be perfected after its kind. It is presumption to doubt that means are to be prepared for the accomplishment of ends which are beyond our sight. The land will not bear corn by ploughing without seed, but neither will the grain grow if the land is not prepared. We doubt not that a hearty acknowledgment, on the part of the Church, of the duty of unlimited instruction, and a cheerful

willingness, where it cannot directly co-operate, to countenance the efforts of others, would tend to reconcile its opponents and fix its wavering friends, far more than any agitation for the Bible, the whole Bible, and nothing but the Bible. We are no advocates for the liberalizing or diluting its formulas for the purpose of including Dissenters; many separatists were driven beyond it by the unjust interference of the State in former times, and some will always be produced by the tendency of mankind to opposition. In the Catholicity which connects it with primitive Christendom, and the universal offer of its benefits to those who choose to profit by them, it not only strengthens its historical claims to support in England, but suggests to the statesman some of the most important tests which he ought, as far as possible, to require in a national establishment.

There is one portion of the machinery of the Church which we consider it most important for the State to maintain,—the principle of a hierarchy; in which the differences of wealth and rank, and the elevation of the highest members of the order, may, to a considerable extent, mix the clergy up with secular interests, and prevent them from sinking the man in the priest. As certainly as the revenues of the Church are reduced to a low equality, and the clergy excluded from the bench of magistrates, frightened out of society, and confined to the arbitrary limits of their functions, will they act as a body against the real interests of the State, and for the furtherance of the supposed interests of their order: nay, they will cause a still greater evil, if they have not already begun to do so, in holding out for theoretical admiration a false ideal of humanity, while they furnish no example of the practical life from which they are debarred. Secularity is, in one sense, a defect in clergy or in laity, but it must be subdued and included in a higher principle, not evaded; for it cannot be too strongly urged, that the world is the subject-matter, not the opposite of religion. Neither the eagerness of leveling enthusiasm, nor the jealous and selfish instinct of oligarchy, are so actively hostile to the worldly interests of the clergy, as the well-meaning tendency of society to admire an antithesis of itself; yet if statesmen will not take warning by the history of monasticism and celibacy, let them look round at the va-

rious sects which rejoice in a purely professional ministry, and they will find among them a common disposition to protest against the interference of the State with themselves, and to disclaim, on the part of their clergy, all exercise of political functions. The view is no doubt honest, but it is produced by circumstances; and as we recognise no right in any man, least of all in a teacher of the people, to abdicate his duties as a citizen, we would willingly retain any institution which has practically guarded against such desertion.

The expressions of some religionists with respect to the State are curious: "The mainspring of all the evil, the root "of all the bitterness," says a sectarian orator quoted by Mr. Maurice, "is the alliance of secular and anti-secular princi-"ples in the union of Church and State * * * there never "will be any permanent peace in the State, or any true pro-"gress, &c., in the Church, till the bonds of that unhallowed "union are finally and for ever demolished and annihilated." Now, as Mr. Maurice truly observes, there seems to be an assumption here, that Church and State are founded on two opposite and irreconcileable principles, secular and anti-secular; nor can he understand why it should be a reason for dissolving the alliance, that the secular and unchristian body would be left in greater peace and quiet. "That which is "worldly, that which is anti-christian, I, as a Christian, wish "to see utterly uprooted. I may bear with its existence, I "may seek God's time for destroying it, but I must seek to "undermine it," &c.—*Vol.* iii. *pp.* 115, 116.

More formidable symptoms, however, of a desire to exclude the State from all participation in the sanctity due to the Church, have appeared of late among the supporters of Anglican Catholicism. The advocates of the *via media* commonly speak of the State as the oppressor of the Church. It has not yet, they say, committed the sacrilege of seizing the endowments; but it suppresses synods, forbids excommunications, and confines the ministry to the beggarly pittance of two daily services instead of seven. Some of them are willing to bear with the connexion in the hope of better times: the more ardent would declare their independence at once. We sincerely hope that these excellent men will abstain from a step which would lead to unavoidable schism. We believe

that they have done great service to the cause of knowledge by the testimony which they have borne against prevalent errors. They may not occupy the citadel of truth, but they have taken a position which covers the approaches to it. In opposition to the shallow indifferentism of the time, they have asserted the unity, not indeed of truth, but of the orthodox faith; as against the licence of private judgment they have set, not the corresponding duty of judging right, but the duty of submitting to the Church. But their greatest merit is of a nature which is not sufficiently appreciated by even candid men; it is that of thorough-going advocates, who are required, in all controversies, to set every side of the question fully and fairly before the judgment of the speculative understanding. Many of the startling results which the Oxford divines have promulgated, are legitimate deductions from premises which their adversaries conceded without alarm. In the common conduct of life, we would, for the most part, be willing to abide by the opinions of that preponderating portion of mankind

> "Which seldom does a foolish thing,
> And never says a wise one."

But we must maintain, that in argumentative discussion even an honest and consistent *reductio ad absurdum* is to be preferred to the casual advantage of a paralogistic spring from false pretences to a practical coincidence with truth. Thus, while they believe all sacredness to be included in the Church, they scorn to respect the secular and profane State. The Nonjurors, whose doctrine they have adopted, consider, as Mr. Maurice says, the civil power "as a vulgar instrument "contrived chiefly for material objects, but deriving a certain "dignity from a divine person called a king * * * and "farther permitted to employ itself in upholding the interest "of another really celestial body, called the Church," &c.—*Page* 104. Well may he prefer "the heathen notion of a "state rising into beauty and order at the touch of a divine "lyre, to this Christian notion of a body constituted, as it "would seem, of three principal elements, an absolute king, "money bags, and a hangman." We need not, however, devote further attention to the tendencies of the Church or

of religious bodies to reject the State from their recognition. As long as they are confined to theory, they appear to be opposed to the existence of government; if they could be realized, they would overthrow it, but only to establish a polity of their own. The Romish hierarchy and the Covenanters of Scotland raised their spiritual power on the ruins of government, only to make it temporal; and when this change has taken place, the old antagonism developes itself, and the struggle of Church and State commences anew.

In the more difficult and urgent inquiry as to the duty of the government, we appear to have come to some practical conclusions. We deny that it is to profess a religion; but we require of it the education of the people, and, as the most efficacious method of education, the establishment of a religion. As this establishment, however, is desirable only as tending to the advancement of religion, it will follow, from the same principles, that in circumstances which counteract its tendency, it may be omitted. It will also follow that the maintenance of more than one form of religion by the State may, in some cases, be admissible. The example of Prussia, and that of some of the American states, may be adduced in favour of a divided or indiscriminate support of sects; and in this country it has been recommended by a writer of considerable reputation, Mr. George Cornewall Lewis, in his work on Irish Disturbances and the Irish Church [London, 1836]. It is, however, very dangerous to encourage a belief in the heresy, that one opinion is as good as another. The support of the government will be ascribed to approbation and not to acquiescence. In one form of doctrine it may be countenancing error, in more than one it must; for whoever is satisfied with the contemporaneous existence of the incompatible opinions in different minds, must, if he only understands his own principles, deny the unity, and in the unity the reality of truth. No sect can be exempted from acquiescence in the *major* of the Athanasian creed. Define the word *Catholic* how we will, it is before all things necessary that we hold the Catholic faith. We have not thought it necessary to distinguish between establishment and endowment. The civil privileges which the clergy may enjoy, such as in England the baronial and parliamentary rights of the bishops,

partly serve to compensate for corresponding civil disabilities, and are on the whole a part of the endowment which the State has appointed for the direct or indirect furtherance of education. Power and personal rank are supplements to money, or cheap substitutes for it. When the State has once adopted a religion, the remaining sects have no reason to complain, as Mr. Lewis and his party do, of partiality in the details of its system of encouragement. Ministers and ambassadors may not be the only deserving or able citizens; but when they are chosen, it is no matter of complaint for their disappointed rivals, if they have a monopoly of patronage and decorations. Let the State here, as elsewhere, confine itself to its fair claims, and it will easily make them good against all opponents.

We are well aware that the view which we have adopted will seem to many a desecration of the idea of a commonwealth, and most to those who are most familiar with historical associations. Religion, supported by a state without a conscience, would have been unintelligible to a Roman, a Greek or a Jew. National worship was to them the bond and expression of national life; it did not consist in opinions, nor could it be divided among individuals; the priest was the representative of the State, and the organ by which it acknowledged its connexion with Heaven; and often the magistrate was the priest. There was no thought of establishment or of preference. A strange religion might be true, but it was not their religion. They neither asked nor permitted the participation of foreigners in their own. The opinions of the governing body were indifferent to their subjects, but their due fulfilment of the customary worship was indispensable to their claim to allegiance. When the Athenians abolished the government of kings, they retained a sacrificial king, that the gods might not be more meanly served. It followed from this view, that sacrilege was treason. Apostasy is but the Greek for revolt.

Consequently, when Christianity formed itself in the decaying empire, it was felt to be inconsistent with the national existence. "In the eyes of the Roman jurists the very existence of Christianity was treason against the State; it was "a contradiction to the first principles of law and civil obe-

"dience*." The stone cut without hands broke in pieces and decomposed the gold, and the brass, and the iron, and the clay. The modern European kingdoms found for themselves something of a national worship. The ceremonies of knightings and coronations, the respect paid to local saints, and the confused mixture of old notions with new, led to the belief in a Church of France or Church of England; but, on the other hand, the common authority of the priesthood through Christendom, and the pretensions of the Universal Primate, were a living testimony against the exclusiveness of any particular church or communion. The Reformation cut the knot by breaking the Church into fragments, but it could not solve the difficulty of reuniting the political to the spiritual life of the nation. The reaction against Rome supported the belief for a time, but it has declined gradually till the present day. It was impossible to see, even in the great Protestant queen, a head of the Church in the sense in which the *Pontifex maximus* of ancient or of modern Rome had borne that title. The papal empire was the only polity which ever appropriated Christianity as its peculiar life and principle. In its purity it would have been too fine an essence to be fixed even by Rome, independent as she was of national restrictions and limitations. The rebellion against the Vatican, which asserted the purity of religion, and vindicated the independence of separate states, failed to make either of its inestimable conquests the principle, though either might be the safeguard, of the other.

The real distinction between heathen and Christian states, though not, as we think, the true principle of compensation for the loss of an exclusive religion, as the element of national life, is well stated by one of our ablest scholars:

"To those who think that political society was ordained for higher purposes than those of mere police and traffic, the principle of the ancient commonwealths, in making agreement in religion and morals the test of citizenship, cannot but appear wise and good. And yet the mixture of

* See *Four Sermons preached before the University of Cambridge*, by the Rev. Charles Merivale,—J. W. Parker, London, 1839,—a publication which, in a small space, contains much valuable information on the history of religion as connected with the State, and many interesting views. The reverend author agrees with us as to the decline of the national element in the religion of modern times, but differs with us inasmuch as he wishes and thinks it practicable to reinvigorate it.

races is essential to the improvement of mankind. * * * How then was the problem to be solved? How could civilization be attained without moral degeneracy? * * * Christianity has answered these questions most satisfactorily by making religious and moral agreement independent of race or national customs; by furnishing us with a sure criterion to distinguish between what is essential and eternal, and what is indifferent and temporary or local. * * * The bond and test of citizenship is now furnished to us in the profession of Christianity. He who is a Christian, let his race be what it will, let his national customs be ever so different from ours, is fitted to become our fellow-citizen. He who is not a Christian, though his family may have lived for generations on the same soil with us, though they may have bought and sold with us, though they may have been protected by our laws, and paid taxes in return for that protection, is yet essentially not a citizen but a sojournist."—*Dr. Arnold's Preface to the Third volume of Thucydides, pp.* xvii. xviii.

If we look on religion as the principle of national union, we shall understand the meaning of political disqualifications on religious grounds. It is fashionable to confuse them with the notion of persecution, of which we have already spoken as inconsistent with the duties of a state. Punishment inflicts pain, and disfranchisement may inflict pain, but disfranchisement is not therefore punishment. The state must provide for its own existence by the exclusion of all who violate the conditions of its vitality. As the law which authorizes the confinement of madmen is just, while a command to burn them alive would be tyrannical, the limitation of power to the natural members of the commonwealth differs from the gratuitous persecution of those who are rejected. All ancient commonwealths were essentially and necessarily oligarchies, for the incommunicable kinsmanship and worship which bound the members together, implied the denial of the franchise to new-comers and aliens in blood. And even now, if the State is to have a religion, it ought to have a government confined to the dominant communion. If Protestantism is the test, Romanists must be rejected; if, as Dr. Arnold thinks, Christianity, all those who deny it. He seems to allude to the Jews as the proper objects of disqualification; but the example is scarcely a fair one, as the true objection to their admission into the State is their separate nationality. We speak of the Jewish persuasion; but we might as well talk of the Negro persuasion or the copper-coloured faith. The Jews are still a race, and have still a separate allegiance,

which takes precedence of their loyalty to the land of their birth or residence. A convert to Christianity renounces his nation with his belief: if it were not so, it would be as anomalous in theory to admit the proselyte to our franchise, as now to receive the unconverted body. In practice, either measure would probably be inefficient and harmless.

If we are to have a test of citizenship in our times, it seems as if it must be that of Christianity; and yet the vagueness of the criterion increases with its extension. Who are Christians? Are Unitarians? "There is," says Mr. Gladstone, and we believe he is on the whole right, "a far wider differ-"ence between Catholic Christianity and Unitarianism (re-"garded in the abstract), than between Unitarianism and the "religion of the works of Plato."—*page* 69. Or, as Coleridge, once a Unitarian himself, remarked, "To say that "Unitarian Christianity is better than no Christianity, is as "if we should say that sugar of lead was better than no sugar, "and therefore put it in our tea." Are men who believe in Christianity, without professing it, to be included in the definition, or men who adopt the name without the belief? Is practice to be taken as a test or assertion? Is baptism the test? then Quakers will be excluded. Is it dispensed with? then your Catholic citizens will not recognise their unbaptized compatriots. The moral and quiet Platonist might be rejected for the vicious fanatic of some new and unacknowledged heresy. Whichever way we look, the test of Christianity seems incapable of being applied. Let us not be mistaken. We would include in the Christian name all, or almost all, who lay claim to it. Far as Unitarianism is from Orthodoxy, we doubt not that Unitarians may be practical Christians. The influence of belief on practice is great, and extends beyond the believing subject; for the average moral condition of men is decided by the force of opinion, as reflected from the mass of society, and not as immediately operating from within, and is therefore the index of the good or bad tendency of the prevailing rather than of the particular creed; but as there are religious heretics, so there may be orthodox believers who are bad citizens. Old legislators cared nothing for opinions, if the citizen assented to the outward worship of the State; but we, if we are to make Christianity the basis

of separate nationality, must guess loosely at belief, or take every man on his own statement.

If then Christianity is too uncertain a test of citizenship, and has nevertheless made a narrower principle of union impossible, it becomes us to consider whether there may not still be found a wider and yet better defined basis of political society. There is one qualification which cannot be falsely assumed, participation in our common humanity. Christianity first dispensed with the necessary exclusiveness, by which ancient states were, as we said, oligarchical, by revealing the true nature of man,—not by creating, as Dr. Arnold seems to think, a new element of communion among fellow-citizens, but by opening one which had been hidden from statesmen and legislators, though it was symbolized by the partial substitutes they provided. We may sometimes gaze upon the light to the neglect of the objects it was kindled to illuminate. If the discovery was true, it is true for ever;

> *μόνου γὰρ αὐτοῦ καὶ θέοις στερίσκεται*
> *ἀγένητα ποιεῖν ἅσσ' ἂν ᾖ πεπραγμένα.*

And this great political lesson of Christianity, as explained by its results, consists in the knowledge of man's individual capacity to attain that spiritual improvement which laws of old struggled to effect, a knowledge which has no necessary connexion with Pelagianism, as the statesman can only look to independence of human control. To him remains the negative responsibility of securing the conditions of good, by protecting the freedom of action against the collision of adverse wills and the material impediments of circumstances. In short, we know a truth of which legislators of old were not ignorant, that the will of man is corrupt and evil; but while they could only counteract it by institutions which at most would but raise the subject to the level of the lawgiver, we can trust for its purification to a higher principle than human law, which therefore, in its own department, supersedes our legislation, even where it has not yet been practically applied; for we know that what is actually true of Christians must be potentially existent in men.

Trusting then to the share which he has claimed, or may claim, in the common privileges of humanity, we can admit to the corresponding franchise of citizenship whoever is per-

manently settled in the land. He can be adopted into no merely national religion, for our faith transcends nationality; but he will find, in the ideal personality of the State, an organic unity to which he will be assimilated by common interests and allegiance. We may, indeed, well desire to see an additional bond of social unity in the agreement of jarring sects in a national belief and worship; for every man who earnestly holds an opinion must desire it to be shared by the members of the whole to which he belongs; and failing of his wish, may attach himself in preference to an arbitrary or imaginary body in which he can find the communion he desires, transferring his loyalty from the commonwealth to a party or a sect. The statesman must teach individuals to refer themselves to the nation as the whole, which includes them, and connects them with one another; but he can only succeed in part. The resting-places of the mind between the individual and the universe of mankind, are variable with times and modes of thought. A family, a neighbourhood, a profession, a language, Christendom, the world, form the successive limits which may bound men's yearnings for sympathy and uniformity, which will be most earnest in the narrowest sphere, and have scarcely force to spread to the widest without dissipation. The difficulty of national churches is, that we place the measure halfway, beyond the reach of our warmer affections, and short of the extreme generalizations of the reason and imagination; in this also rests their strength, that their object is definite and tangible, without being repulsively narrow and exclusive.

If our main object had been to convey to our readers an outline of Mr. Gladstone's work, we should have done him great injustice in our selection of quotations. We are concerned chiefly with his principles, and have no opportunity of entering into his development and application of them, in which we think him strongest. The view which we have adopted of the true connexion of the Church with the State, is to a great extent realized by the actual condition of the British ompire, and we would willingly have referred to Mr. Gladstone's valuable summary of the facts which show it to be so. The discussions on personal religion, as affected by state-connexion and on the history of toleration and private

judgement, are very valuable. The style of the work is vigorous and sometimes eloquent, but not altogether exempt from the neighbouring vice of declamation. We are glad to know that it has secured general attention.

Still more anxiously would we recommend to our readers the study of Mr. Maurice's important work, which, by its wider extent, would have rendered any attempt to give a summary of it even more incompatible with our present purpose. Its political results depend on the theological and philosophical principles to which it is originally devoted. We think that Mr. Maurice's originality of thought, and extraordinary power of apprehending general laws, is not always supported by a proportionate accuracy in the estimation of facts. His subsumtions of cases under principles are so loose, as sometimes to remind us of a muscular hand which is too stiff to grasp a small body tightly. Wherever he sees an idea, and finds an institution which symbolizes it, he transfers the necessity of the idea to its empirical and casual representative. Thus he is not contented to let baptism rest on the ground of positive institution, but proves the *à priori* necessity of a rite which shall be offered to all, from the essential universality of the religious offers of Christianity. The purely speculative element seems to predominate in his mind over the faculty of observation and judgment; and yet we have another quarrel with him on the ground of his constant attacks upon theory and speculation as such. Now we admit that faith, or a state of obedience to the practical reason, is more essential to us than the attainment of truth by the understanding; and so the functions of the heart are more vital than those of the eye; yet it would be strange to interrupt a discussion upon colours by declamation, not upon the imperfection and possible errors of vision, but on the possibility of living in health in the total absence of sight. Heap what abuse we will on our faculties, we can only do it by the help of our faculties, *τοῖς αὐτῶν πτεροῖς*. The understanding judges the understanding, and the reason the reason; and when tired of chasing themselves in a perpetual round of self-disqualification, will remain the only means by which we can apprehend or arrive at truth. And what other object has Mr. Maurice or any one else in discussion? not operations of the

conscience or acts of duty, but the speculative truth which contains the formal conditions of both: or if, for a moment, we revert from the operation of thought to the thinking subject, we assume, by the act of appealing to his understanding, that his duty, for the moment, consists in the speculative apprehension of the notions and forms of thought submitted to him; and are inconsistent in calling him off from its performance to the irrelevant and yet homogeneous contemplation of the lifeless notion of duty. Mr. Maurice's propensities to calumniate speculation find vent more than once in attacks upon German philosophy and theology. We scarcely know who are included in his censure, as we believe there is no possible combination of opinions on any subject of inquiry, which might not be exemplified in German literature; but if the objection is, as we believe, to deep and systematic thought on the principles of thought and on the universe which they mould, or to laborious and successful investigations of Biblical criticism and Jewish antiquity, we cannot but blame so bold, original and honest a thinker for his disparagement of earnest search after truth. He complains that philologers and antiquarians do not supply his spiritual demands; they never offered to do so. He says, that if we earnestly desire to know the meaning of the Epistle to the Hebrews or the fourth gospel, a Germanized scholar will answer, that Saint Paul did not write the one, or Saint John the other. Why does he assume that the answer would be given without reference to his question? And does he not think that the authenticity of the sacred canon is a fit subject of inquiry, and that in the very endeavour to profit by its instructions there is a tacit assumption of its validity?

Our last objection to Mr. Maurice's mode of writing refers to the superlatives of admiration or terror and sorrow with which he speaks of the great objects on which he writes. We dislike them, not for their exaggeration, but for their inadequacy. Superlatives imply degrees of comparison: eternity, conscience, God, can be reverently spoken of in the positive only. We have only been induced to make these critical remarks from our high sense of Mr. Maurice's powers, and of the service which he has performed to the cause of truth. If we may judge from the humble and self-depreciating tone in

which he writes, he would forgive them more easily than the remark with which we shall conclude,—that as a pregnant and profound thinker, we consider him, among the writers of our time, second, and hardly second, to Coleridge.

Article III.

1. *The African Slave Trade.* By T. F. Buxton, Esq. Murray. 1839.
2. *Correspondence relating to the Slave Trade.* Classes A. B. C. D. *and the Further Series of the same Classes for the same year.* Presented to both Houses of Parliament by command of Her Majesty. 1838–39.
3. *Esclavage et Traite.* Par Agenor de Gasparin, Maître des Requêtes. Paris, 1838.

Of all the subjects which have claimed the attention of the legislature and awakened the sympathy of the people of England, none certainly has been more powerfully and perseveringly urged upon the nation than the abolition of the African slave-trade. No cause could ever boast of more zealous, virtuous and untiring advocates. The career of many of our best statesmen and orators derives its brightest fame from their exertions in behalf of the Negro; and the nation at large has taken part in the anticipated triumph of the principles of humanity and justice, by the expenditure of twenty millions of money, devoted to an object worthy of a Christian and a civilized people. For many years it would seem as if all the means, which the private energy or the public force of Great Britain could command, have been at work: journeys have been undertaken by the young and the adventurous to those inhospitable regions, which are the cradle of African bondage; parliamentary inquiries have served to corroborate the results of scientific enterprise; the eloquence of the pulpit has joined with the eloquence of the senate to rally the members of every sect and party to this common standard. Whilst all the world has

been at peace, our fleets have waged perpetual war with the abhorred traffic; our diplomacy has devoted its activity and its ingenuity to devise means of repression in foreign countries; our maritime courts have gradually prepared, and still enforce, under the authority of British judges in every part of the world, a complete and stringent system of international law, adapted to the detection of maritime disguises and the suppression of illicit trade. There is not a corner of the earth which has not heard that England has decreed that slavery and the slave-trade shall cease to be; and that she has pledged her honour, her treasure, her intelligence and her forces, to perpetual hostility with the agents of that traffic and the atrocious evils of that condition.

Nevertheless, with all these exertions fresh in our minds, whilst we are indulging in the benevolent exultation of gratified humanity, our pride is lowered and our hopes are dashed by the startling but unquestionable statements of the books and papers now before us. A melancholy instance of what human statesmanship is worth at the best! Take the purest motives and devote them to the noblest cause,—adorn your efforts with the highest eloquence, and guide them by the clearest lights which the wisdom of the nation can afford, not divided into factions, but directed to the attainment of one end by the best means; use the strength of the most powerful state, after it has sufficed to restore peace to the world; rouse the whole of civilization in your behalf; stud the globe with your out-posts and your agents, all proclaiming the same principle, all working in the same cause,—and yet you will find yourself baffled, at the end of nearly half a century, by the meanest crimes, by the most sordid passions which disgrace mankind. You will find your resources insufficient to prevent the soil of barbarous lands from bearing its accursed fruit. You will be unable to check a traffic, which yields a profit of 180 per cent. to the trader. You will be less able than ever to understand by what inscrutable law of Providence, evils of such magnitude and atrocity can exist in the world, unless the wit and power of man in the service of his better purposes be weaker than the wit and power which he prostitutes to his basest undertakings.

But however severe the lesson of disappointment may be

to those who have been trained in the fair but delusive hope that the abominations of the African slave-trade had been wiped out for ever; however dispirited we may be to find that a work which enlisted so many great men and so much national sympathy in its behalf, is still unaccomplished, we trust the present generation will rival the last in its zeal, and that it will profit by the experience so painfully acquired, to arrive at happier and more secure results.

The first step is obviously to make the public acquainted with the enormity of the evil. Mr. Buxton's book has opened the subject in so able a manner that our task in this respect will be confined to following him over the ground, with the addition of a few of the more striking facts and audacious violations of treaties, which the publication of the last series of Parliamentary papers has brought before us.

Before we enter upon the evidence which his work supplies in the most convenient form, we propose, however, to offer a few remarks on the principal features of the case. The existence of the slave-trade is obviously attributable to two great causes, over which we have hitherto been able to exercise no control, viz. the state of Africa on the one hand, and the abundance of the supply; the state of America on the other hand, and the magnitude of the demand. To these permanent and inherent elements of the present condition of two great continents, we are only able to oppose an intermediate and ineffectual check. The whole activity of the Abolitionists has been directed to the prevention of the trade by cutting off the middle passage, or the means of transport from the Guinea coast to the American slave-markets; by a species of blockade of the African shores; or by cruisers destined to intercept the slave-vessels at the entrance of the West Indian and American ports. But if it be notorious that all the revenue cutters in the service cannot put down smuggling on the coast of the civilized and populous islands of Great Britain, when the rate of duty is such as to offer an adequate premium to the smuggler; it is obvious *à fortiori* that the British cruisers must be quite incompetent to suppress a trade, encouraged by the natives of the coast, sheltered by the interested perfidy of European settlements on that coast, and repaid by the most enormous profit,—

more especially, when the vessels employed on that service have to struggle with all the difficulties and dangers of an unhealthy climate, a vast range of sea and shore, and to chase the fastest and most reckless sailors in the world. We cannot refrain from making these remarks on the manifest and unavoidable inefficiency of our cruisers; but at the same time we will not dismiss this part of the subject without paying the tribute of our respect to that portion of the navy, which is employed on the most painful, perilous and inglorious duty that it is possible to conceive. Perhaps the introduction of steamers on the African coast, and the adoption of other remedial measures to which we shall subsequently revert, may render the duties of the officers and crews engaged there, at once less onerous and more efficient. Nothing certainly should be neglected which can relieve men placed on such a service, from the hardships to which they are necessarily exposed.

The chief source of the evil is manifestly in Africa itself. As long as the natives of that immense continent live only by preying upon each other, like the wild beasts of their deserts; as long as their only idea of commerce in the interior is the sale of their prisoners, and as long as the only merchandize bartered on the coast for the produce of Europe is human flesh; as long as the infernal passions of savages are allowed, unchecked by aught of civilization or Christianity, (say rather, fostered by the corresponding interests of men professing to be civilized and Christian,) to run wild in the chase of men; as long as the population is drained from the country, at the rate of a nearly half a million of human beings per annum, in exchange for articles not exceeding in value what one year's labour of those same unfortunate slaves would readily procure from the rich but neglected soil; as long in short as slavery and the slave-trade furnish the only means by which the African is brought into contact with the European—the only means by which he can procure the brandy, the beads, the cotton-cloths, the gunpowder and the rude fire-arms, which are become indispensable even to the savage rulers of those regions—as long as all these elements subsist, the slave-trade is rooted in the African soil, and our efforts to cut off its shoots and repress it by

external coercion are necessarily ineffectual. The native slave-dealer on the coast fulfils his contracts with the European slavers at any cost of life: and it is not an exaggeration to say, that the population of the whole continent of Africa is drained off by a current which flows towards the coast, as the waters of a river flow from some large inland lake to the sea.

"On the authority of public documents, parliamentary evidence, and the works of African travellers, it appears that the principal and almost the only cause of war in the interior of Africa, is the desire to procure slaves for traffic; and that every species of violence, from the invasion of an army, to that of robbery by a single individual, is had recourse to, for the attainment of his object. Lord Muncaster, in his able historical sketches of the Slave Trade, in which he gives us an analysis of the evidence taken before the Privy Council and the House of Commons about the year 1790, clearly demonstrates the truth of my assertion, at the period when he published his work (1792); and the authorities from that time, down to the present day, as clearly show, that the most revolting features of the Slave Trade, in this respect, (at least, as regards the native chiefs and slave-traders of Africa,) have continued to exist, and do now exist. Bruce, who travelled in Abyssinia in 1770, describing the slave-hunting expeditions there, says: 'The grown-up men are all killed, and are then mutilated, parts of their bodies being always carried away as trophies; several of the old mothers are also killed, while others, frantic with fear and despair, kill themselves. The boys and girls of a more tender age are then carried off in brutal triumph.'

"But it may be said, admitting these statements to be true, they refer to a state of things in Africa which does not *now* exist. A considerable period of time has indeed elapsed since these statements were made; but it clearly appears, that the same system has obtained, throughout the interior of Africa, down to the present time; nor is it to be expected that any favourable change will take place during the continuance of the slave-traffic.

"Captain Lyon states that, when he was at Fezzan in 1819, Mukni, the reigning Sultan, was continually engaged in these slave-hunts, in one of which 1800 were captured, all of whom, excepting a very few, either perished on their march before they reached Fezzan, or were killed by their captor.

"We have obtained most valuable information as to the interior of Africa from the laborious exertions of Denham and Clapperton. They reached Soudan, or Nigritia, by the land-route through Fezzan and Bornou, in 1823, and the narrative of their journey furnishes many melancholy proofs of the miseries to which Africa is exposed through the demands for the Slave Trade. Major Denham says: 'On attacking a place, it is the custom of the country instantly to fire it; and, as they (the villages) are all composed of straw huts only, the whole is shortly devoured by the flames. The unfortunate inhabitants fly quickly from the devouring element, and fall immediately into the hands of their no less merciless enemies, who surround the place; the men are quickly massacred, and the women and children lashed together

and made slaves.' Denham then tells us that the Begharmi nation had been discomfited by the Sheik of Bornou 'in five different expeditions, when at least 20,000 poor creatures were slaughtered, and three-fourths of that number, at least, driven into slavery.'

"Commodore Owen, who was employed in the survey of the eastern coast of Africa about the years 1823 and 1824, says: 'The riches of Quilimane consisted, in a trifling degree, of gold and silver, but principally of grain, which was produced in such quantities as to supply Mozambique. But the introduction of the Slave Trade stopped the pursuits of industry, and changed those places, where peace and agriculture had formerly reigned, into the seat of war and bloodshed. Contending tribes are now constantly striving to obtain, by mutual conflict, prisoners as slaves for sale to the Portuguese, who excite these wars, and fatten on the blood and wretchedness they produce.' In speaking of Inhambane, he says: 'The slaves they do obtain are the spoils of war among the petty tribes, who, were it not for the market they thus find for their prisoners, would in all likelihood remain in peace with each other, and probably be connected by bonds of mutual interest.'

"Mr. Ashmun, agent of the American Colonial Society, in writing to the Board of Directors, from Liberia, in 1823, says, 'The following incident I relate, not for its singularity, for similar events take place, perhaps, every month in the year, but it has fallen under my own observation, and I can vouch for its authenticity:—King Boatswain, our most powerful supporter, and steady friend among the natives, (so he has uniformly shown himself,) received a quantity of goods on trust from a French slaver, for which he stipulated to pay young slaves—he makes it a point of honour to be punctual to his engagements. The time was at hand when he expected the return of the slaver, and he had not the slaves. Looking around on the peaceable tribes about him for his victims, he singled out the Queaks, a small agricultural and trading people of most inoffensive character. His warriors were skilfully distributed to the different hamlets, and making a simultaneous assault on the sleeping occupants in the dead of the night, accomplished, without difficulty or resistance, in one hour, the annihilation of the whole tribe;—every adult, man and woman, was murdered—every hut fired! Very young children, generally, shared the fate of their parents; the boys and girls alone were reserved to pay the Frenchman.'"—*Buxton on the Slave Trade*, p. 50—58.

Nor are these horrors confined to the savage chiefs of Western Africa. Statements have been addressed to the British Government by eye-witnesses of the gazouas, or slave-hunts, which have been regularly carried on by the army of that enlightened reformer—of that eminent ally of civilization and humanity—the Pacha of Egypt! The whole particulars are given in a work of M. Leon de Laborde, entitled '*Chasse aux Nègres*': we shall borrow Mr. Buxton's abridged account of one of these expeditions.

"M.—— learnt that four expeditions, called gaswahs, annually set out from Obeid, the capital of Kordofan, towards the south, to the mountains inhabited by the Nubas negroes. The manner and object of their departure are thus described: One day he heard a great noise; the whole village appeared in confusion; the cavalry were mounted, and the infantry discharging their guns in the air, and increasing the uproar with their still more noisy hurras. M.——, on inquiring the cause of the rejoicing, was exultingly told by a follower of the troop, 'It is the gaswah.' 'The gaswah! for what —gazelles?' 'Yes, gazelles; here are the nets, ropes, and chains; they are to be brought home alive.' On the return of the expedition, all the people went out, singing and dancing, to meet the hunters. M.——— went out also, wishing to join in the rejoicing. He told Count Laborde he never could forget the scene presented to his eyes. What did he see? What gain did these intrepid hunters, after twenty days of toil, drag after them? Men in chains; old men carried on litters, because unable to walk; the wounded dragging their weakened limbs with pain, and a multitude of children following their mothers, who carried the younger ones in their arms. Fifteen hundred negroes, corded, naked, and wretched, escorted by 400 soldiers in full array. This was the gaswah. These the poor gazelles taken in the Desert. He himself afterwards accompanied one of these gaswahs. The expedition consisted of 400 Egyptian soldiers, 100 Bedouin cavalry, and twelve village chiefs, with peasants carrying provisions. On arriving at their destination, which they generally contrive to do before dawn, the cavalry wheel round the mountain, and by a skilful movement form themselves into a semi-circle on one side, whilst the infantry enclose it on the other. The negroes, whose sleep is so profound that they seldom have time to provide for their safety, are thus completely entrapped. At sunrise the troops commence operations by opening a fire on the mountain with musketry and cannon; immediately the heads of the wretched mountaineers may be seen in all directions, among the rocks and trees, as they gradually retreat, dragging after them the young and infirm. Four detachments armed with bayonets, are then despatched by the mountain in pursuit of the fugitives, whilst a continual fire is kept up from the musketry and cannon below, which are loaded only with powder, as their object is rather to dismay than to murder the inhabitants. The more courageous natives, however, make a stand by the mouths of the caves, dug for security against their enemies. They throw their long poisoned javelins, covering themselves with their shields, while their wives and children stand by them and encourage them with their voices; but when the head of the family is killed, they surrender without a murmur. When struck by a ball, the negro, ignorant of the nature of the wound, may generally be seen rubbing it with earth till he falls through loss of blood. The less courageous fly with their families to the caves, whence the hunters expel them *by firing pepper into the hole. The negroes, almost blinded and suffocated, run into the snares previously prepared,* and are put in irons. If after the firing no one makes his appearance, the hunters conclude that the mothers have killed their children, and the husbands their wives and themselves. When the negroes are taken, their strong attach-

ment to their families and land is apparent. They refuse to stir, some clinging to the trees with all their strength, while others embrace their wives and children so closely, that it is necessary to separate them with the sword; or they are bound to a horse, and are dragged over brambles and rocks until they reach to the foot of the mountain, bruised, bloody, and disfigured. If they still continue obstinate, they are put to death.

"Each detachment, having captured its share of the spoil, returns to the main body, and is succeeded by others, until the mountain 'de battue en battue,' is depopulated. If, from the strength of the position, or the obstinacy of the resistance, the first assault is unsuccessful, the general adopts the inhuman expedient of reducing them by thirst; this is easily effected by encamping above the springs at the foot of the mountain, and thus cutting off their only supply of water. The miserable negroes often endure this siege for a week; and may be seen gnawing the bark of trees to extract a little moisture, till at length they are compelled to change their country, liberty, and families for a drop of water. They every day approach nearer, and retreat on seeing the soldiers, until the temptation of the water shown them becomes too strong to be resisted. At length they submit to have the manacles fastened on their hands, and a heavy fork suspended to their necks, which they are obliged to lift at every step.

"The march from the Nuba mountains to Obeid is short. From thence they are sent to Cairo. There the pacha distributes them as he thinks proper; the aged, infirm, and wounded, are given to the Bedouins, who are the most merciless of masters, and exact their due of hard labour with a severity proportioned to the probable short duration of the lives of their unhappy victims."—*Ib.* pp. 66—70.

In a subsequent, but as yet unpublished work, Mr. Buxton mitigates his censure of Mehemet Ali, who appears recently to have taken measures to put down these gazouas. We ought to add, on the authority of Dr. Gaetani Bey, that His Highness, on the occasion of his late journey into Nubia and Sennaar, sent circulars into the mountains and formal instructions to the chiefs of troops, on the 4th December last, to give full and entire guarantee to the negroes, and to prevent for the future the terrible slave-hunt. Boghos Bey also informed Mr. Consul Thurburn, that on the return of the Pacha from Fasoglou, he was convinced that he would take some steps with a view to prevent further importation of negroes into Egypt*.

We are informed by the report of Her Majesty's commissioners at Sierra Leone, dated the 31st December, 1838†, that

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* *Further Series. Slave Trade Papers, Class D.* 1839.
† *Further Series. Slave Trade Papers, Class A.* 1838–39.

the extent and importance of the slave-trade carried on to the westward of Cape Palmas, as compared with that which still flourishes in the Bights of Benin and Biafra, is generally much under-rated. Fifteen out of the thirty vessels which came before the Sierra Leone Court last year were captured or took in their slaves within the former narrow boundary. All the Portuguese settlements north of the line, viz. the Cape de Verds, Bissao, Cacheo, Princes, and St. Tomé, are nests of slavers, where the fraudulent Portuguese papers, under which the miscreants of every country plough those accursed seas, are readily to be purchased. Even the British island of Bulama, near Bissao, has become the principal residence of Kyetan, a notorious slave-dealer. He receives constant supplies of slaves from the Rio Grande and the Geva, two important rivers which open a communication with the interior, and has seldom less than 300 slaves for immediate shipment in his barracoons. At the close of last year, Lieut. Kellett, of Her Majesty's brig Brisk, was despatched to Bulama by Governor Doherty. The barracoons of Kyetan were burned down; 212 slaves were delivered and brought to Sierra Leone, and the British colours were left flying on the island. Shortly afterwards, however, Kyetan returned, the Portuguese colours were rehoisted, and the slave-trade is as flourishing as before. The commissioners recommend, apparently with very good reason, the effectual occupation of the island of Bulama by the British authorities. It was purchased by Captain Beaver in 1792 from the two kings of Canabac, for 473 bars of goods: its position in the estuary of the Rio Grande renders it a place which may become of considerable importance.

The savage vices of the native Africans, the detestable crimes of the European settlers on the coast, and the very nature of the country, afford a ready supply to the slave-dealer; but it cannot be doubted that the evil has been fostered and increased to an enormous extent, by the enterprise of the Americans and Europeans engaged in the trade. We cannot enter at great length into the details which are furnished in the long and voluminous series of papers printed by the government on this subject; but if any of our readers have the courage to turn to those records of human duplicity, villainy and covetousness, they will find ample proof

of the growing profits of the trade and the vast extent of the demand for slaves, in the general confederacy of fraud, force and falsehood which is constantly in operation to baffle the efforts of the agents of Great Britain. Every device which can be conceived is used to cover vessels engaged in the trade, from the maritime courts—to conceal their destination, their owners and their country. Every assurance is lavished by the Brazilian, Portuguese, Spanish* and United States authorities, which can lull suspicion; and every kind of *connivance*† is practised which can prevent detection. Difficul-

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* The present Lord Clarendon observed, in April 1837, that "the privilege of entering the harbour of Havana after dark, denied to all other vessels, is granted to the slave-trader; and in short, that with the servants of the government, the misconduct of the persons concerned in this trade finds favour and protection. The crews of captured vessels are permitted to purchase their liberation; and it would seem that the persons concerned in this trade have resolved upon setting the government of the mother country at defiance."—*Slave Trade Papers. Class B.* 1837. *p.* 2.

† We cannot forbear dwelling an instant on one of the grossest instances of this kind, which confers an unenviable notoriety on a Mr. N. P. Trist, Consul of the United States at the Havana, a gentleman who, whilst he discharges his duties in that capacity with the bluntness of an American citizen, *also fulfils the functions of Portuguese Consul* with all the duplicity of the latter nation. On the 8th January this year the British Commissioners at the Havana took occasion, in a courteous official letter, to call the attention of this Mr. Trist to the case of the 'Venus,' an American ship employed by American citizens in the slave-trade, in flagrant violation of the laws of the United States. This vessel sailed from the Havana under the American flag, and returned in four months; she brought back and landed an extraordinary cargo of 860 slaves. She had then changed her flag and her name; but it was matter of doubt whether any valid transfer had taken place. Her original cost was 30,000 dollars: her whole expenses might amount to 100,000 dollars: she sold her 860 slaves at 340 dollars per head, producing nearly 300,000, of which two-thirds were clear profit. To return, however, to Mr. Trist. He replied to the communication of the Commissioners in a '*grandis et verbosa epistola*' of consummate insolence, hinting that he regarded it as an interference with his functions which was wholly uncalled for, "indicating an utter oblivion or innate ignorance of the simplest applications of first truths in regard to national independence": gradually, however, his excited feelings gave way "to a serious mixture of sorrow and indignation at the spectacle of such *prostitution of the energies of the British people in theatrical playings off to their delusion*, and to the benefit of whomsoever it might concern, in a cause which, whatever differences of opinion may exist with regard to the justness or *the immoderateness of the zeal displayed in it*, is sanctified by a sincerity and self-forgetfulness, in proportion to the intensity of which every empty show, got up by self-seekers turning it to profit, becomes intensely disgusting." The writer then goes on to inform the Commissioners, that since the 4th July 1776 the United States and Great Britain stand in the relation of two independent nations, 'enemies in war, in peace, friends,' and that they have nothing whatever to do with the execution of each other's laws; in proof of which Mr. Trist assures the Commissioners that he has constantly seen bales of British goods for the African coast, and *casks of shackles of British manufacture* pass the Custom House at the Havana without attracting more notice than so many boxes of Dutch cheeses, and that he never dreamed of denouncing them or interfering with them in any way; a circumstance for which we are perfectly ready to give him credit. But we can hardly believe that when Mr. Trist sat down to

ties of conviction occur from the imperfect state of the laws as to the evidence required to condemn vessels engaged in the trade. Jealousies and differences of opinion are perpetually arising between the judges of the mixed courts,—judges so differently interested and actuated by such conflicting motives, in all the cases brought before them—squabbles between the agents and consuls of the different powers, who though bound by treaties to the same great end, the extirpation of the slave-trade, are not unfrequently serving underhand the traffic they affect to suppress. Even in the cabinets of Madrid, Lisbon and Rio Janeiro, every article of the slave-trade treaties (which ought, if faithfully executed, at least to have stripped the slave-trade of the colour of any Christian flag,) has become the subject of protracted negotiation and disgusting chicanery, which is renewed at every fresh case denounced by the British agents to those governments. In short, these and all the vast and multifarious difficulties which have defeated our efforts up to the present time, furnish abundant proof that large profits to the trader, and therefore a very strong demand for slaves, more especially in Cuba and the Brazils, are perpetually at work to counteract all our measures. Mr. Buxton says,

"The power which will overcome our efforts, is the *extraordinary profit* of the slave-trader. It is, I believe, an axiom at the Custom-house, that no illicit trade can be suppressed, where the profits exceed 30 per cent. I will prove that the profits of the slave-trader are nearly five times that amount. 'Of the enormous profits of the Slave Trade,' says Commissioner Macleay, 'the most correct idea will be formed by taking an example. The last vessel condemned by the Mixed Commission was the Firm.' He gives the cost of—

	Dollars.
Her cargo.....	28,000
Provision, ammunition, wear and tear, &c..	10,600

pen his brutal and ridiculous epistle, he was aware that the language he was using, and the principles he was advocating, would make him the jest of all civilized readers, and the opprobrium of the government which placed him in the service of a free people: that as far as the papers laid before the British parliament are circulated, his folly and his pretensions will be derided, and, as far as his natural insignificance will allow of it, his hypocrisy will be read of with detestation. In itself Mr. Trist's case would hardly have deserved so much of our notice; his letter was very properly answered by Messrs. Kennedy and Dalrymple, and their reply was ably supported by Lord Palmerston; but, as they observe in a despatch to the Foreign Office, "this document is worthy of consideration as an evidence of the feelings held by certain classes of the American community with regard to the slave-trade, and the part taken by the British Government to suppress it." (*Further Series, Class A.* 1838–39. *No.* 43 *and enclosures.*)

Wages	13,400
Total expense	52,000
Total product	145,000 *

"There was a clear profit on the human cargo of this vessel, of 18,640*l.*, or just 180 per cent.; and will any one who knows the state of Cuba and Brazil, pretend that this is not enough to shut the mouth of the informer, to arrest the arm of the police, to blind the eyes of the magistrates, and to open the doors of the prison?

"Mr. Maclean, (Governor at Cape Coast Castle,) in a letter addressed to me, in May, 1838, says, 'A prime slave on that part of the coast with which I have most knowledge, costs about 50 dollars in goods, or about from 25 to 30 dollars in money, including prime cost and charges; the same slave will sell in Cuba for 350 dollars readily, but from this large profit must be deducted freight, insurance, commission, cost of feeding during the middle passage, and incidental charges, which will reduce the net profit to, I should say, 200 dollars on each prime slave; and this must be still further reduced, to make up for casualties, to, perhaps, 150 dollars per head.'"—*Ib.* pp. 187—189.

The magnificent island of Cuba, the fertile territory of the Brazils, and the possessions of the South American republics open a wide field for slave labour. The natives have retained the indolence of their European race, mixed with something of the arrogance and ferocity of the Spanish and Portuguese emigrants. They offer the most lively contrast that can be imagined to the Anglo-American population of the northern continent; they can only be compared to the profligate slave-driver of New Orleans, debased by similar institutions and born to similar vices. The natural wealth of the territory, and the inaptitude of the inhabitants to command and improve its resources by free labour, seem to point out the Brazils as a country peculiarly destined to encourage slavery in its most detestable form, and to engraft the worst features of the European character upon the curse entailed on the New World by the forced importation of the black race.

It is now time that we should revert to Mr. Buxton for his analysis of the evidence on which the computation of the total amount of the slave-trade rests.

"My *first* proposition is, that upwards of 150,000 human beings are annually conveyed from Africa, across the Atlantic, and sold as slaves.

"It is almost impossible to arrive at the exact extent to which any con-

* Parl. Paper, No. 381, p. 37.

traband trade, much more a trade so revolting, is carried on. It is the interest of those concerned in it to conceal all evidence of their guilt; and the Governor of a Portuguese colony is not very likely, at once to connive at the crime, and to confess that it is extensively practised. By the mode of calculation I propose to adopt, it is very possible I may err; but the error must be on the right side; I may underrate, it is almost impossible that I can exaggerate, the extent of the traffic. With every disposition on the part of those who are engaged in it to veil the truth, certain facts have, from time to time, transpired, sufficient to show, if not the full amount of the evil, at least, that it is one of prodigious magnitude.

"I commence with what appears to be the most considerable slave market, viz.—that of Brazil. In the papers on the subject of the Slave Trade annually presented to Parliament, by authority of her Majesty (and entitled, 'Class A' and 'Class B'), the following official information is given by the British Vice-Consul at Rio de Janeiro, as to the number of slaves imported there:—

In the twelve months preceding the 30th June, 1828	42,964
" " " " " 1829	49,667
" " " " " 1830	56,777
	149,408

"Thus it stands confessed, upon authority which cannot be disputed, that from the 1st of July, 1827, to the 30th of June, 1830 (three years), there were brought into the single port of Rio de Janeiro, 149,408 negroes, or, on an average, 49,802 annually. It appears also, that, in the last year, the number was swelled to 56,777 per annum.

"Caldcleugh, in his Travels in South America, speaking of the Slave Trade at Rio, (which, however, was not then so extensive as it now is,) states, 'that there are *three* other ports in Brazil trading *to the same extent.*' If this be correct, the number of negroes annually imported vastly exceeds any estimate I have formed; but it is more safe to rely on the authority of the British Commissioners, scanty as it necessarily is. They reside in the capital; and their distance from the three outports of itself might render it difficult for them to obtain full information. But when to the distance is added the still greater difficulty arising from the anxiety on the part of almost all the Brazilian functionaries to suppress information on the subject, it is clearly to be inferred that the number stated by the Commissioners must fall materially below the truth. They tell us, however, that in a year and a-half, from 1st of January, 1829, to 30th of June, 1830, the numbers imported were, into

Bahia	22,202
Pernambuco	8,079
Maranham	1,252
	31,533
To these we must also add those imported into the port of Para	799
Total in eighteen months	32,332

Or annually	21,554
To which add Rio, as before stated	56,777
And we have for the annual number landed in Brazil	78,331

"So many, *at least*, were landed. That number is undisputed. The amount, however, great as it is, probably falls short of the reality. If the question were put to me, what is the number which I believe to be annually landed in Brazil? I should rate it considerably higher. I conceive that the truth lies between the maximum as taken from Caldcleugh, and the minimum as stated in the Official Returns; and I should conjecture that the real amount would be moderately rated at 100,000, brought annually into these five Brazilian ports. But as the question is, not how many I suppose, but how many I can show, to be landed, I must confine myself to what I can prove; and I have proved that 78,331 were landed at five ports in Brazil, in the course of twelve months, ending at the 30th June, 1830.

"The Parliamentary Papers presented in 1838, remarkably confirm the two positions which I have laid down; first, that the Slave Trade is enormous; and, secondly, that so far from abating, it has increased since the period when the treaty was formed.

"By a private letter from a highly respectable quarter, I learn that in the month of December, 1836, the importation of slaves into the province of Rio alone was not less than 4,831

Our minister at Rio states that there arrived in the following month of January, 1837	4,870
February	1,992
March	7,395
April	5,596
May	2,753
	27,437

Thus, within six months, in the province of Rio, or the vicinity, there were known to have been landed this vast number. This is hardly disputed by the Brazilian authorities. Our Minister at Rio, in a letter to Lord Palmerston, dated 18th April, 1837, speaking of 7,395 negroes landed in the preceding month, says:—'As a satisfactory proof of the general accuracy of these reports, it may be observed here, that the Government has excepted to two only of the numerous items they comprehend.'"—*Ib.* pp. 1—10.

The data as to the extent of the slave-trade in Cuba are extremely incomplete, but all accounts concur in supposing that more slaves are shipped for Cuba than for the Brazil market*.

* We introduce in a note, in order to compress the materials with which this subject is overwhelmed, a despatch of the Commissioners to lord Palmerston, received May 6th of the current year:

"*Havana, March 20th*, 1839.

"My Lord,

"We have the honour to enclose the lists we have received,

The 'Further Series of Slave-trade Papers, Class A, 1838–39,' published some months subsequent to Mr. Buxton's book, gives the following

"List of vessels arrived in the port of Havana, *in the month of January*, 1839, after having, as it is said, landed slaves on the adjacent coast, addressed to Lord Palmerston by the British Commissioners at Havana.

1.	Jan. 4.	Portuguese ship	'Amalia'	with about	510	Africans.
2.	— 6.	—	schooner 'Dichosa'	—	220	—
3.	— 7.	—	ship 'Duchesa di Braganza'	—	840	—
4.	— 7.	—	schooner 'Josephina'	—	227	—
5.	— 17.	—	schooner 'Brilliante'	—	223	—
6.	— 30.	—	schooner 'Segunda Union'	—	172	—
				In all	2192	

of the arrivals here, and departures from this port during the last month, of vessels suspected of being engaged in the slave-trade.

"From these, your Lordship will regret to perceive, that the trade continues to as lamentable an extent as ever, and for the reasons we have from time to time given, we fear that there is every appearance of its being still further extended. It should, however, be remarked, that the months of November, December, January, and February, have always been the chief months for the arrivals of slave vessels, and at the present time, they have come with comparative impunity, on account of there being so few British cruizers on the coast. We trust that, at the next season, there will not exist a similar necessity for the withdrawal of those cruizers, and would suggest that one or two might, during those months, be stationed permanently on this side of the Island, with orders to leave some of their larger boats and sufficient men at the favourite landing-places (which might be then pointed out) to wait the arrival of the slavers."

Then follow certain suggestions and geographical indications.

"There is an opinion here now arising, that the British Government is becoming somewhat apathetic on the subject of the trade, and if this be encouraged by no more decisive steps being taken till the next season, and an increased and combined series of operations be then carried into effect, the trade might perhaps receive a shock from which it would take years to recover. We fear, however, that so long as such a demand exists for negro slaves in the Island, and such a determined and interested partiality in its favour on the part of the local Government, no efforts from abroad can do more than ruin one portion of the speculators and enrich another, as in the manner of a lottery, unless the British Government be prepared to enforce a sort of blockade, which, for other reasons might be far from desirable.

"Of the proceedings of the slave dealers during the present month, we have only further to inform your Lordship, that the celebrated slave ship, the '*Socorro*,' under her present name of '*Maria Seyunda*,' and the Portuguese flag, arrived here from Mozambique on the 11th instant. She took on board, it is said, 820 unfortunate beings, of whom only 570 were landed here, the other 250 having perished miserably on the voyage, reducing, say the speculators, their profits to only 25 per cent. Feeling unable to express our sense of the continuance of such murderous enormities, we can but point them out to your Lordship, in the conviction that some steps such as we have suggested, will be taken in the proper time to sweep these seas of such traffickers, and punish the dealers by the ruin it would occasion them."

The inefficiency of the West Indian squadron is so indubitable, that it is proposed to concentrate our whole force on the coast of Africa. The slaver once at sea is seldom captured; and numerous as are the arrivals, the seizures and condemnations in Cuba or Brazil are exceedingly rare.

7. Besides which, 540 Africans are said to have been landed from a vessel, formerly the French brig Havre, which after discharge was lost on the coast. The number of slaves landed in Havana in February, the following month, was 1555.

The average of these two months being 2143 each, would give an annual sum of 25,716 for the port of Havana alone. It appears, however, that the winter months are those in which the greatest number of slavers arrive; and Mr. Buxton is content to assume with the Commissioners, "that 1835 presents a number of slave-vessels (arriving at the Havana,) by which there must have been landed, at the very least, 15,000 negroes." But there are several other ports in the island of Cuba, more particularly the city of St. Jago de Cuba and Matanzas, which carry on the traffic to a considerable extent. Taking all these elements and other corroborative evidence into account, Mr. Buxton assumes that the number of Africans imported annually amounts in

Cuba to	60,000
Brazil	78,331
Slaves recaptured	8,294
Wrecks, contingencies, &c. . . .	3,375
	150,000

If this calculation in round numbers should appear exaggerated, (and we confess we are inclined to think that the returns from Cuba do not altogether account for the 60,000 said to be imported into that island,) nevertheless when we take into the reckoning Porto Rico*, with its increased production of sugar, and the slavers which have been captured on their way thither; Buenos Ayres, Rio de la Plata and the United Provinces of the Uruguay†, in all which the slave-trade is known to be rapidly increasing; and Texas, which was filched from Mexico for slave-holding purposes by a people whose flag covers a large portion of the slave-trade that now infests the seas—when we add these elements, for which

* Thirty vessels were condemned by the Mixed Commission at Sierra Leone last year whose destinations were as follows: to Bahia two, Pernambuco two, Cuba twenty-four, Porto Rico two. *Class A. Further Series*, 1839, *p.* 152.

† It would appear that the surreptitious introduction of slaves into the republic of Uruguay takes place by a retail trade from Rio Janeiro, and not from the coast of Africa direct. *Class D. Further Series*, 1839, *p.* 16.

no allowance is made in the figures we have quoted, to the general amount, we are persuaded that Mr. Buxton's computation remains completely within the bounds of moderation. This computation is confirmed by the opinions of the officers on the African service, as to the numbers actually exported from the western coast of Africa; and likewise by an ingenious calculation of the value of the goods manufactured in Lancashire, and shipped for Brazil, Cuba and the United States, intended exclusively for the slave-trade, which must of course correspond to the value of a portion of the slaves so purchased. The value of the Manchester goods manufactured for the African legitimate trade is 150,000*l.*; the whole value of British exports to the whole of Africa in 1835 was below a million; the value of goods *manufactured in Lancashire exclusively for the slave-trade was* 250,000*l.*

In the work by M. Agénor de Gasparin, a son of the late French Minister of the Interior, which we have placed at the head of this article, we have found a great deal of humane feeling and some just views, which however are frequently confused by a very imperfect knowledge of the state of the British colonies and the real effects of the Emancipation Act. On the subject of the French colonies his facts and his arguments may be received with less hesitation. After describing the important change which took place in the French government from the equivocations of the ministers of Louis XVIII. to the decided abolitionist policy of Louis Philippe; and after adverting to the inefficiency of the efforts of England and France (though he only gives 68,000 as the minimum of negroes annually imported) M. de Gasparin observes,

"I am aware that French vessels have nothing to do with the traffic, and, in this sense, I am happy to say with the minister of marine, that the slave-trade no longer exists amongst us. But are no blacks introduced by the slave-trade into our islands? this is an entirely distinct question, and we cannot reply in the negative without hesitation. The very existence of the *atéliers coloniaux* proves to evidence that slaves have been introduced in spite of the law of the 4th March, 1831. By that law the blacks employed in these *atéliers* were to be negroes found in French vessels or placed there by a judicial decision that they had been purchased by a French subject—knowing them to be imported slaves. They were to remain there seven years. It is therefore certain that if a single negro remained in those *atéliers* after the 4th March, 1838, he must have been imported since the promulgation of the law."—*Esclavage et Traite*, p. 247.

M. de Gasparin then goes on to point out the imperious necessity of a complete system of registration: and he shews the most remarkable discrepancies between the numbers of births and deaths and the actual population of the French islands. The result of these figures is, that, making a proper allowance for emancipated slaves, &c., it is proved from the government returns that at least 3000 slaves were introduced in 1835 into French Guyana, Martinique and Guadeloupe. Either this is the fact, or the returns are grossly inaccurate.

To the general amount of the slaves imported into the New World by Christian traders (for the purpose of distinction we are compelled to misapply the expression) we may safely add 50,000 per annum for the Mohammedan trade, carried on by the chiefs of the northern Desert on the one hand, and by the Imaum of Muscat and other Arabian powers on the eastern coast.

Such then is the arithmetic of the case:

For the Christian slave-trade . .	150,000
For the Mohammedan	50,000
Total annual export,	200,000

But this is only half the dreadful picture which the facts disclose. We have already seen the horrible waste of life which attends the predatory excursions for the seizure of slaves in every part of Central Africa. The proportion of negroes actually carried into slavery is smaller than that of those who are destroyed in the capture; large numbers are left to perish as their age, sex, or infirmity render them unprofitable commodities. The full-grown men are murdered, the old are left to starve, the children are carried off as the most portable and hopeful part of the booty. We spare our readers the revolting details of the rapid march of the unfortunate captives across the deserts: Dr. Holroyd says that he has been assured that no less than 30 *per cent. perish* in the first ten days after their seizure, and Mendez estimates the number of those who die merely on the journey from the interior to the coast at *five twelfths of the whole.* Arrived at the coast they may have to wait some considerable time for the vessel which is to vary their horrid sufferings, and to bear them to their final destination,—but they will be consigned to loathsome barracks,

and perhaps left literally to die of hunger, if the vigilance of our cruisers or the neglect of the consignee retards their embarkation. The following circumstances are related by Captain Cook.

"The fact which I am now about to state, occurred in August, 1837, and came under my own observation, and to all of which I am ready to bear testimony on oath, if required. Slaves to the number of 250, or thereabouts, male and female, adults and children, were brought in canoes from Senna, a Portuguese settlement at some distance in the interior of Africa, to be sold at Quilimane, there being at that time several slavers lying in the river. These unfortunate beings were consigned to a person holding a high civil appointment under the Portuguese Government (the collector of customs): these poor creatures were from a part of the country where it is said that the natives make bad slaves; consequently, and as there was abundance of human flesh in the market, they did not meet with a ready sale. The wretch to whom they were consigned actually refused them sustenance of any kind. Often have I been compelled to witness the melancholy spectacle of from twelve to twenty of my fellow-creatures, without distinction of age or sex, chained together, with a heavy iron chain round the neck, wandering about the town in quest of food to satisfy the cravings of nature, picking up bones and garbage of every description from the dung-heaps, snails from the fields, and frogs from the ditches, and, when the tide receded, collecting the shell-fish that were left on the bank of the river, or sitting round a fire roasting and eagerly devouring the sea-weed.

"Again and again have I seen one or more of these poor creatures, when unable from sickness to walk, crawling on their hands and knees, accompanying the gang to which they were chained when they went in search of their daily food . . . . for one could not move without the whole. In consequence of this treatment, they soon became so emaciated that the slave-dealers would not purchase them on any terms; in this state, horrid as it must appear, the greater part were left to perish, without food, medicine, or clothing, for the little piece of coarse cotton cloth, worn by a few of the females, did not deserve the name, and could answer no other purpose than to lodge the vermin with which they were covered; their bones protruding through the skin, they presented the appearance of living skeletons, lingering amidst hunger and disease, till death, their best friend, released most of them at once, from suffering and bondage."—*Ib.* pp. 94—95.

Then come the abominable torments of the middle passage, greatly aggravated at the present time by the means we have taken to repress the traffic. The insufficiency of the tonnage, now frequently only one ton to three men! though the lowest rate allowed by the British legislature in 1788 was three tons to five men—the pestilential effluvia of the hatches—the horrid brutality of the crew—the monstrous, but it is feared not unfrequent practice, of throwing whole cargoes of negroes

overboard to escape from seizure—the chance of wreck and the immense mass of mortality and misery disclosed in these pages from irrefragable sources, which nauseates us whilst we write! We pause for a moment to remember that whilst the heart is harrowed by a description of these things, they are actually occurring—that the self-same sun which looks down to-day upon the harvests of England, is watched in its course by thousands of disconsolate eyes, by thousands of human beings actually in the clutches of the most infernal torments this world has ever witnessed, perishing for want of air, for want of water, for want of room for the body, for want of freedom, in a word,—in every posture which the imagination can conceive in hell, undergoing every privation and every affliction which can be endured on earth, even to the death!

Lastly, we have the seasoning of the scanty remnant which are actually landed on the other shore of the Atlantic. Twenty per cent. will perish before they are restored after the tremendous sufferings they have endured, before they are initiated into the habits of a life of labour in a new climate. Sum up all these elements of destruction, and read the result:

"We have thus brought into a narrow compass the mortality arising from the Slave Trade.

	Per Cent.
1. Seizure, march and detention	100
2. Middle passage, and after capture.....	25
3. After landing, and in the seasoning.....	20
	145

So that for every 1000 negroes alive at the end of a year after their deportation, and available to the planter, we have a sacrifice of 1450.

"Let us apply this calculation to the number landed annually in Cuba, Brazil, &c., which, as I have already shown, may be fairly rated at 150,000; of these 20 per cent, or 30,000, die in the seasoning, leaving 120,000 available for the planter.

"If 150,000 were landed, there must have been embarked 25 per cent, or 37,500 more, who perish in the passage: and if 187,500 were embarked, 100 per cent, or 187,500 more, must have been sacrificed in the seizure, march, and detention.

"It is impossible for any one to reach this result, without suspecting, as well as hoping, that it must be an exaggeration; and yet there are those who think that this is too low an estimate.*

* "Mr. Rankin says:—

"'The old and new Calebar, the Bonney, Whydah, and the Gallinas, contribute

"I have not, however, assumed any fact, without giving the data on which it rests; neither have I extracted from those data any immoderate inference. I think that the reader, on going over the calculation, will perceive that I have, in almost every instance, abated the deduction, which might with justice have been made. If then we are to put confidence in the authorities (most of them official) which I have quoted, we cannot avoid the conclusion, —terrible as it is,—that the Slave Trade between Africa and America annually subjects to the horrors of slavery..... 120,000

And murders [in the seasoning]	30,000	
[on the passage]	37,500	
[by seizure and march]	187,500	
		255,000
Annual victims of Christian Slave Trade		375,000
" " of Mohammedan		100,000
Annual loss to Africa		475,000."

Mr. Buxton has not dwelt at length upon the extensive commercial arrangements with Cuba and Brazil more especially, by which a traffic of so vast and so lucrative a nature is carried on. The capital employed, as well as the number of mercantile houses, vessels and seafaring men engaged in it, must be enormous. The last parliamentary papers on the subject disclose a part of this extraordinary system; and some of the details are so curious that we shall proceed to draw the attention of the reader to them more particularly.

On the 18th September, 1837, the 'Veloz,' having a full cargo of slaves on board, was captured in the Benin by H.M. schooner Fair Rosamond. She was condemned by the Mixed Commission Court of Sierra Leone, on the 4th of May, 1838. The chief interest of the case is derived from the documents found on board this vessel, which supply us with a complete history of the mercantile transactions of her

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an inexhaustible supply for the French islands of the West Indies, Rio Janeiro, Havana, and the Brazils, where, notwithstanding every opposition and hindrance from the British cruisers, one hundred thousand are supposed to arrive in safety annually; five times that number having been lost by capture or death. Death thins the cargo in various modes; suicide destroys many; and many are thrown overboard at the close of the voyage; for as a duty of ten dollars is set by the Brazilian Government upon each slave upon landing, such as seem unlikely to survive, or to bring a price sufficiently high to cover this custom-house tax, are purposely drowned before entering port. Those only escape these wholesale murders who will probably recover health and flesh when removed to the fattening pens of the slave-farmer, a man who contracts to feed up the skeletons to a marketable appearance.' Vol. ii. p. 71."

owners, of which we shall give a brief sketch. On the 14th December, 1836, an association or joint-stock company was formed at Pernambuco, with a capital of eighty millions of reis, consisting of twenty members, for the purpose of carrying on the slave-trade to the greatest advantage. The river Benin was selected for the establishment of a slave-factory on a very extensive scale, and three principal agents were appointed to conduct the operations of the company in that quarter, who were to be remunerated by a share, amounting to one sixth, of the profits of the company. It is clearly shown by the papers captured, that the parties to these transactions are merchants of eminence residing at Pernambuco; and that Joao Baptista Cézar, the principal agent at Benin, had also resided at Pernambuco, where he carried on the business of a mercantile agent.

The operations of the company did not prove successful: they failed in their great object of monopolizing the right of trading for slaves in the river Benin, though they purchased the right of establishing factories at Gotto, Oery and Bobim, and it was at one time calculated that they would ship from 200 to 250 slaves monthly, throughout the year, if they had an adequate supply of goods from Pernambuco. But their chief disaster proceeded from the seizure by Her Majesty's cruisers of both their vessels, the 'Veloz,' which was condemned, and the 'Camoes'; though in the case of the latter vessel restitution was decreed, with damages, as she had no slaves actually on board.

"The instructions drawn up by the Treasurer at Pernambuco," observes Mr. Macaulay in his despatch enclosing the papers to Lord Palmerston, "display an intimate acquaintance with the African mode of trading; but it would hardly perhaps have been expected that *a correct moral deportment and an observance even of the forms of religion* would have been so strictly enjoined on the agents of a slave-factory." * * * * "The directions issued to the Company's vessels for their outward and homeward voyages are curious, as showing the systematic frauds practised by slave-traders. The use of a code of signals on their making the coast of Africa, and the appointed places of landing cargoes in Brazil; the constant look-out from the mast-heads; the avoidance of all communication with other vessels; the loosening the iron knees which bind the beams, and the cutting away stanchions or anything else that may impede their speed in chase; the throwing overboard the slave-irons and boilers (*although the boilers are included in the Custom-house clearance for making oil*), when likely to be overhauled

even on the outward voyage; the keeping the slaves below on approaching boats or land on the homeward voyage; *the filling up a prescribed form of protest*, which is given verbatim, with all the incidents of the supposed capture, to be signed by all on board, accounting for the return of the vessel to Pernambuco *in ballast*, by declaring that they had *been detained and plundered at sea by a pirate*; these and other observances are strictly enjoined on the commanders of all the Company's vessels."

The reports from the agents of this incredible association which were seized on the 'Veloz,' in every way correspond with the instructions of their sagacious employers. Senhor Joao Baptista Cézar addresses to Senhor Francisco de Agenedo Lisboa a full account of his proceedings. He negotiates with the king and queen of Oery; though he failed in passing off upon His Majesty twenty-eight rolls of damaged tobacco, he hopes to purchase from 200 to 250 slaves (or bales, as he terms them) a month; and as he felt the want of some irons which had been thrown over-board, Her Majesty the Queen was pleased to give him forty-eight pair. About a month later the king sent one of his own boys in the brig to learn the customs of the whites, little knowing that he had thrust the lad into the lion's jaws: but Senhor Cézar gave directions that "he should return by the brig without fail, or it "*may create an unpleasant feeling between the king and my-*"*self*. Give the boy clothes and treat him well, that it may "create a favourable impression." Under these auspicious circumstances the purchase of negroes was only checked by the want of merchandize to exchange for them. In the mean time Senhor Joao did not forget his own family interests, as the following letter will show:

"Benin, September 15, 1837.

"Jozephina, Dear Spouse of my Heart,

"I write these few lines to inform you that by the hands of the captain of the 'Veloz,' Joaquim Pedro, I send you a quantity of country clothes, which are to be kept, also three fire-mats and two parrots, one ram-goat for my little son John to play with, being very tame, three sea-horse teeth to be polished and ornamented for our little daughter Henrietta, *also a little girl very pretty and a little black boy for Johnny*, which you will request of your father to go and receive from Mr. Lisboa to his order, they having the mark O on the left arm. He will also deliver to you two parrots if they arrive safe. Few are the moments that my eyes do not shed tears when thinking of you all, and for reasons I cannot mention. Do not forget to ask of our Virgin health and happiness; and I ask the same at the hands of

Miss Francisca, to whom you will kindly remember me. With a sweet kiss to each of our children which distance precludes me from giving,

"Believe me, &c.,

"J. B. Cézar*."

These documents throw a pretty full light on the transactions of these adventurers in the Bight of Benin. The only satisfaction we have derived from them, arises from the terror which the wretches perpetually betray lest the English should come upon them. "You must know that these Englishmen are our only enemies." "I am very sorry to be under an obligation to the English gentlemen to make up my accounts." And on one occasion Senhor Joao was terrified beyond measure by two drunken fellows disguised as English officers. Ultimately, as we have seen, the whole scheme and the correspondence fell into the hands of a queen's ship: but we fear that, flagrant as is this case, no punishment awaits the prime movers in it—the opulent slave-dealers of Pernambuco.

Before we proceed to the next great division of the question, namely, the remedial measures it may be possible to adopt, there is one other topic connected with the duties performed by our Commissioners in Brazil and Cuba to which we would advert—and we attach the more importance to it here as it has not been distinctly alluded to by Mr. Buxton. The following passage in a letter from Rio was addressed by Mr. Gladstone to the Colonial Office last January:

"It appears, when slave-ships are taken by the English cruisers off this coast, the slaves in them are very often, instead of being sent home to Africa, hired out to people in this country, to serve an apprenticeship of ten years under the protection of the Brazilian government; but before the term expires, the people to whom they are apprenticed generally get a false certificate of death sent in, and the unfortunate wretches are never more heard of, and of course kept in a state of slavery all their lives. Now, Mr. Ouseley thinks that if they could be sent to the West Indies [meaning, we presume, the British colonies,] to serve their apprenticeship there, it would be a benefit conferred both upon the negroes themselves (as they would be sure of their freedom if they survived the term of apprenticeship), and also upon the proprietors in those colonies, where labourers are wanted†."

The British government have been unceasing in their ex-

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* *Slave-trade Papers, Class A.*, 1838–39, *p.* 62.

† *Slave-trade Papers, Class A. Further series*, 1839, *p.* 125.

ertions to procure for the unfortunate individuals in question, whose freedom is unhappily placed under the *protection of the Brazilian government*, some more satisfactory and effectual guarantee: but the fact is undoubted, and further inquiries have been directed to be made. Sir G. Jackson observes to Lord Palmerston, that the three Africans who have been received into his own establishment at Rio as household servants are, "perhaps, among the very few whose eventual liberty and wages may be considered secure*." We understand from very good authority that the same thing happens in Cuba. Whenever a slaves dies on an estate, the death of an apprentice is returned; and the apprentice is of course reduced to fill the condition of the deceased slave. In 1834, when the cholera raged in the island, this practice was carried to such an amazing extent, that it was notorious that all the apprentices in Cuba were returned as dead; the violence of the mortality having naturally removed the ordinary obstacles which may stand in the way of this atrocious but habitual fraud. It is obvious that, in the absence of a *bonâ fide* system of registration of slaves†, nothing can remove this abuse, which defeats one great object of our cruisers and our commissioners, but the transport of the negroes taken on captured slavers to our own free colonies, such as Trinidad or British Guiana, where the demand for labour is abundant: although we are by no means insensible to the inconveniences which might arise from the introduction, under any pretext however humane and just, of fresh Africans into British possessions, still they cannot there be enslaved.

We have now attempted to show as well as our narrow

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* *Class A. Further Series*, 1839, *p.* 145.

† A system of registration of slaves was introduced by Lord Charles Somerset at the Cape of Good Hope, in 1816, for similar reasons. The preamble of his proclamation states, "Whereas, from the numerous manumissions which take place, and the large class of negro apprentices, (which has of late years been, *by decisions of the Court of Vice-Admiralty, greatly increased*,) it appears to be expedient that the most minute precautions should be taken to prevent the possibility of such free persons, or their offspring, *merging into a state of slavery*, or being confounded with the domestic or other slaves the property of individuals in this settlement," &c. The Thirteenth Article and the Annex C. of the draft of Lord Howard de Walden's unfortunate and unconcluded slave-trade treaty with Portugal, were devoted to a complete and ingenious system of precautions intended to meet this evil. This part of the negotiation was of course proportionately obnoxious to the Portuguese government, but Lord Palmerston's comments on it are exceedingly acute and decisive.

limits will allow us, in dealing with the vast and various mass of evidence before us, the following points :—

That the supply of slaves all along the African coast from Cape Verd to the Benin is most abundant; and that whilst the chase of their fellow-creatures gratifies the passions of the savages, the sale of captives suits their notion of their own interests, and satisfies their slender commercial wants.

That the trade is carried on upon the widest scale, with all the advantages which large capital, experience and ingenuity can supply, and that the rate of profit is from 150 to 200 per cent.

That the numbers imported into the American islands and continent amount, according to Mr. Buxton, to at least 150,000 per annum; and that the importation of this number involves the annual destruction of 200,000 more.

That the total amount of captures by our cruisers cannot on the largest computation exceed 10 per cent.*; and, to use the words of the Commissioners, "when a vessel is taken, "from the impunity with which the traffic is carried on, the "case is denounced as one of individual hardship."

That when seizures are made on the American coast, even after the vessel has been condemned, the benevolent precautions of the Mixed Commissions are habitually defeated by the frauds of the planters to whom the negroes are apprenticed.

That the flags of the United States, Portugal†, Brazil, Spain, and even Russia, are constantly used, with the connivance, at least, of the subordinate agents of the former governments to cover the slave-trade; that no maritime power, with the honourable exception of France, affords either a ready or an effectual assistance to Great Britain in her efforts to put down the traffic; and that (as was declared by a great

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* Supposing 150,000 negroes to be landed in Cuba and Brazil, if we allow an average of 300 per cargo, the trade would employ 250 vessels at two voyages each per annum: but allowing for the additional number shipped who die on the passage, the number of vessels cannot be under 300. The number of vessels seized in 1838 hardly exceeded thirty. In 1837, seventy-two vessels sailed from Havana alone for the coast of Africa; of these eight were captured.

† On the 3rd March, 1838, Lord Palmerston stated in plain language to the Portuguese minister, 'that the Portuguese flag is *lent*, with the connivance of Portuguese authorities, to serve as a protection for all the miscreants of every other nation in the world who may choose to engage in such base pursuits.' *Class B. Further Series*, 1837–38.—He might have said that it was *sold*.

native slave-dealer,) all the treaties signed during the last twenty-five years "have never caused him to export one slave fewer than he would have done otherwise."

That, in particular, the feeling of the whole mercantile community is strongly, and avowedly, favourable to the slave-trade, and opposed to the measures of Great Britain, in those countries in which it would be of the greatest importance to carry the provisions of the Anti-Slave-trade Treaties into strict execution; that the demand for slaves is kept up or increased, and the connivance of the governments of those countries purchased, by this mercantile influence. Indeed in Cuba our own Emancipation Act has tended indirectly to heighten the ardour with which the slave-trade is pursued:

"An astonishing number of new estates have been opened in the island within the last two years. In the district of Cienfuegos, of forty estates now working there, twenty-seven have been of recent formation, and though this may be above the average, we believe it does not much exceed the proportion of many other districts in course of cultivation. We regret to think that of these estates many have been commenced by American, and some even by British subjects, who will thus of course give considerable impetus to the Slave Trade by means of their capital, industry, and skill. Nor have the efforts of the Planters (*relying on the falling off of exports* from the British West Indies, consequent upon the measure of emancipation) been unattended with success. In the three years preceding the last, the exportations from this place and Matanzas of boxes of sugar were in 1835--491,570: in 1836--500,153: in 1837--507,952: while in the last season the number amounted to 610,512, and in the present it is calculated a like quantity will have been raised, and but for a severe drought in the autumn would have reached 50,000 more." *Further Series, Class A.* 1838-39, p. 103.

These are doubtless most harsh and unpalatable truths: but they rest upon the irrefragable evidence of a long,—a too long series of years, during which our labour has been wasted, our remonstrances set at nought, and our preventive measures betrayed by those allies whose wretched governments owe their very existence in their own capitals to the countenance and support of England. We have not put forward these things for the purpose of recriminating as to the past; but for the purpose of enlightening ourselves and the public as to the system which it is reasonable to pursue for the future.

From 1807 to 1814 England, by the exercise of her belligerent right of search, and by her absolute command of the

seas, was undoubtedly enabled materially to check the slave-trade on the African coast. That period was probably the only respite which the African population has had since the traffic commenced; and already the country began to exhibit a more cheering aspect. But with the Peace, the afflictions of the African were renewed with fresh intensity: first the French settlements, then the Spanish flag, and lastly the Portuguese agents, have sheltered and encouraged the slave-trade. The treaties concluded by Great Britain since the Peace are reduced to mere waste paper as long as one door remains open to evade them. It is hopeless to exercise an adequate power of repression over the colonial agents of these powers, even after we have succeeded in extorting a tardy consent from the mother country. It is hopeless to render the League so complete as to include the globe; for when all the powers of civilized Europe shall have combined, America with slavery on its hearths, and the slave-trade on its coasts,—the United States peremptorily refusing that right of search which would disclose the horrid extent to which their flag is used to violate their laws,—the states of the Southern continent, which seem to have been called into existence by the generous policy of England, only to disgrace the station assigned to them among the Christian communities,—would still offer a sufficient asylum and an interested protection to the abominable practice.

We are struggling against the most fixed and malignant passions of human nature—against the most intractable elements—against the most perfidious governments; and we cannot wonder that the right cause does not easily prevail.

Undoubtedly something may be done to improve the system of our cruisers. The squadron may be reinforced and concentrated on the African coast exclusively: steam-vessels may be and we believe will be, forthwith employed upon the African rivers: and although the climate of those insalubrious banks is absolutely fatal to British seamen, it is confidently hoped that Kroomen and well-qualified agents of the negro and coloured race, not equally affected by the African atmosphere, will be found to carry on the inland branch of the service. The Act of Parliament passed this session, legalizes the capture of Portuguese vessels, whose appearance and fittings-up afford

primâ facie evidence that they have been or are about to be engaged in the actual transport of slaves. But supposing all these measures to be successful, and that the proportion of slavers captured was materially increased; the price of slaves would of course rise in Cuba and Brazil; the premium on the successful vessel would be increased; and whilst we are repressing the traffic in Africa, we should be heightening the intensity of the demand, and consequently increasing the ingenuity and energy which we have to combat. It is not too much to assume, we fear, that that ingenuity and energy would be augmented to a degree at least commensurate with the augmentation of our forces and our vigilance.

We are then led irresistibly to the conclusion, which Mr. Buxton has also arrived at, that the only means offering a reasonable hope of a successful result are those to which least attention has hitherto been paid: to attack the root of the slave-trade by cutting off the supply, to abolish it in Africa itself, by demonstrating to the natives that the traffic in human blood is their loss, not their gain; that it impoverishes them by draining their population and leaving their territories uncultivated; that it ruins them by making their coasts the haunts of desperadoes, instead of the resort of civilized commercial adventurers.

"Central Africa now receives in exchange for all her exports, both of people and productions, less than half a million of imports, one-half of which may be goods of the worst description, and a third made up of arms and ammunition. What a wretched return is this, for the productions of so vast, so fertile, so magnificent a territory! Take the case of central Africa; the insignificance of our trade with it is forcibly exhibited by contrasting the whole return from thence with some single article of no great moment which enters Great Britain. The feathers received at Liverpool from Ireland reach an amount exceeding all the productions of central Africa; the eggs from France and Ireland exceed one-half of it; while the value of pigs from Ireland into the port of Liverpool is three times as great as the whole trade of Great Britain in the productions of the soil of Central Africa. What an exhibition does this give of the ruin which the Slave Trade entails on Africa! Can it be doubted that, with the extinction of that blight, there would arise up a commerce which would pour into Africa, European articles of a vastly superior quality, and to a vastly superior amount?

"If it be true that Africa would be enriched, and that her population would enjoy, in multiplied abundance, those commodities, for the acquisition of which she now incurs such intense misery, the one needful thing, in order to induce them to unite with us in repressing the Slave Trade, is, to convince

them that they will gain by selling the productive labour of the people, instead of the people themselves."—*Buxton*, pp. 193—194.

It cannot be doubted, from the evidence of travellers, and even from the limited experience which Europeans have acquired of Western and Central Africa, that the soil in many parts is as remarkable for its fertility, as the race by which it is peopled is signalized by its ignorance, its misery, and its wrongs. The finest woods, the richest dies, the precious and the useful metals abound in the forests and the mountains; several varieties of the cotton plant grow wild all over Africa, and the climate is everywhere suited to its cultivation. Coffee and the sugar cane, for which the mighty destruction we have described is perpetrated day by day and year by year, grow spontaneously about those African villages which are plundered of their inhabitants to tend the self-same plants in the New World. Nature has planted there the seed of every good thing; but the hand of man is unknown save as the hand of the spoiler. The whole country is rendered easy of access by large navigable rivers, two of which equal the finest streams of North America. The Niger offers an uninterrupted passage to our steam-boats for 560 miles inland; and the accounts given by travellers of the physical aspect and natives of the interior are far superior to what we know of the slave-trading belt on the coast. There can be little doubt that if we succeed in opening the commerce of Central Africa we shall find an extensive market for a great variety of our manufactures, an extensive field for the most precious raw produce; and that the presence of the legitimate British trader will be the greatest and most effectual disparagement to the slave-trade.

To educate the native population in the most elementary of all knowledge, viz. the production of wealth from the sources with which nature has abundantly supplied them, is, then, the true remedy for the evil: and our readers will learn with interest, that this season will not pass without the fitting-out of an expedition up the Niger, intended to promote the views of the friends of humanity, and to open a channel for British commerce. The authority of agents, treating with the natives in the name of the English government, is required to give protection to the expedition, and a security to

the Africans. A similar attempt made by some Liverpool merchants in 1832, was attended with indifferent success, from their agents having been too much in the power of the savages in the vast delta of the river. Although we do not share the sanguine hopes which Mr. Buxton seems to entertain of the salubrity of certain points on the coast of Africa, the expedition is one which may lead to most important results, and may excite the enthusiasm of those who pride themselves on the former conquests which British civilization has obtained over the crimes and ignorance of barbarous nations.

But here an objection suggests itself, to which we cannot but attach a good deal of weight. To open commercial relations with the interior of Africa, is in fact to bring into contact, if not into collision, civilized and savage man. We speak now without reference to the slave-trade itself, the most dreadful monument of what that contact has engendered in former ages. But taken under the most favourable circumstances, and moderated with the utmost precaution, we cannot be insensible to the fact, that the near approach of the European has in almost all cases been the signal for the decay and the extirpation of the aborigines. The crimes of Christians have doubtless hastened the result, but we doubt whether under any circumstances that result could be avoided. To judge from experience it is the order of Providence. Look at the North American Indians since they were taught to bring the produce of their woods to the fur market of Montreal; look at the New Zealanders, melting, as it were, without any assignable cause, before the dawn of civilization. It is not true that any fusion takes place between the races. The savage becomes a little less savage, but remains far less civilized than the white man, who supersedes him in his own land. If commerce has opened the door, and if the country answers to the hopes entertained of it, what is to protect the Africans from the inroad of commercial adventurers, allured to other profits, which would be purchased by horrors perhaps more fatal than the slave-trade itself? We may fit out an expedition, and we may establish mercantile relations with Africa, from motives and upon principles of the soundest philanthropy. If the enterprise fail as a commercial speculation, the chief

hope of the abolitionists fails also, since nothing but success will give a permanent extent to their efforts. If it succeed, as Mr. Buxton says it will succeed, a thousand-fold, what more powerful lure can be offered to those horrible passions which are now ravaging the coast under the name of the slave-trade, but which would then be introduced into the heart of Africa for more legitimate purposes, but with the same destructive results? Those passions have already extirpated nearly the whole Indian population of the New Hemisphere: hitherto they have only laid siege to the coast of Africa. You may perhaps be preparing a conflagration which will ravage the whole continent. Brandy and gunpowder, and the curse of European diseases, to say nothing of more overt crimes, may prove as fatal to Africa as they have done to America. The British flag may cover the first undertaking, the British settlements may send out the first expeditions, sanctified by every wise and generous principle: but Britain has no monopoly of the African rivers or the African coast; and we shudder at the crimes which may be perpetrated hereafter by the miscreants of every nation under the sun, upon the field which was opened to them by British philanthropy. It may be said that Christianity will attend the enterprise, and that the missionary will advance hand-in-hand with the merchant. We wish it could be so; but we apprehend that the headlong interests of bad men may rush in to mar the imperfect work of Gospel truth, and that before the African savage has learnt to adopt the hopes and promises of our faith, he may perish the victim of our licentiousness, our rapacity, or even of our mere superiority as civilized men.

We are restrained by the same motives which have induced Mr. Buxton to withhold the details of his remedial suggestions, from laying an account of the projected measures before the public. But we think we may safely indicate their general nature, and the prospect of success which they afford. A very considerable quantity of authentic evidence has been collected to show that it will be possible to form mercantile treaties with the native princes, binding them to renounce the Slave Trade in consideration of the advantages to be derived from our commerce. The more progress has been made into the interior, and the further travellers have gone from the

depraved slave-dealers of the coast, the more has this disposition been found to exist. Experience has shown that the results of our own limited settlements at St. Mary's on the Gambia, on the Gold Coast, and at Sierra Leone, have been most favourable. The slave-trade has been entirely suppressed; our territory furnishes a refuge to the Africans of the adjacent provinces; and the population are eager for lawful commerce, on which alone they are now engaged. Yet little more than thirty years ago the Gambia and the Gold Coast constituted "the grand emporium (to use the language of a governor of the colony) "whence the British West India "islands were supplied with slaves." "From Apollonia to "Accra," says Governor Maclean, "*not a single slave has been* "*exported since* 1830. The Slave Trade has been eradicated "from a portion of a coast 180 miles in extent, and computed "at 4000 square miles inland, where it had been planted, "protected, fostered and munificently encouraged for centu-"ries." "The trade of the Gold Coast already repays more "than twenty-fold the sum granted by parliament for the "support of the local establishment; its exports to Great "Britain amount to 160,000*l.* per annum, forming one fifth "of the whole commerce of Africa."

These experiments are certainly very encouraging; but the most important part of the case is the eagerness with which the rulers of the different nations seek the friendship and alliance of Great Britain. General Turner, who unhappily perished in the midst of his benevolent and energetic career as governor of Sierra Leone, in 1835, has left us the true key to the success of the measures which he had commenced, by conciliating the natives, encouraging their legitimate commerce, pledging them to renounce the slave-trade, and extending our nominal sovereignty over the various rivers from Senegal to the Gold Coast. These objects may be attained without expense, and without the increase of our military establishments. But if in our negotiations with European powers having settlements there, we are induced to devote a portion of the sums annually spent upon the cruisers to the price of just compensation, we shall not deplore a sacrifice which will fortify our position upon the African coast, where alone we can be of effectual service. The position of Sierra

Leone was unfortunately selected at a period when the climate of the country and the geographical direction of the great rivers was much less accurately known than it is at present. It is now hoped that more healthy* and successful settlements may be established, to command the great artery of the African continent—the Niger, to cut off the passage of slaves from the interior to the Bight of Biafra, and to open that noble river to humane and legitimate commerce.

We are not acquainted with the extent of the measures which the British Government may be resolved to take, in pursuance of the new line of policy which has been suggested and approved of by the persons most competent to form an opinion on the subject. Some of those measures may require secresy to ensure their success; others may only be resorted to on the most absolute compulsion. The general report of the Commissioners at Sierra Leone to Lord Palmerston, dated 31st December, 1838, and received June 12th, 1839, contains several recommendations, and the following extract will show the extent to which those gentlemen are inclined to go.

"Should these powers, who, not many years since, pronounced the slave-trade to be 'contrary to the principles of religion, justice, and humanity,' hesitate at this critical moment to affirm their former declaration, and to brand with the name of pirates the traffickers in human suffering —the '*hostes humani generis*,'—the enemies of 'religion, justice, and humanity,' we still possess the right and the power to give full effect to our own more enlightened views of the duties which nations owe to each other. The simple means which England employs, when engaged in war, to enforce her disputed right to visit and search the vessels of all neutral Powers is, we believe, an order in council, arming all British cruisers with authority to act, and binding all Admiralty and Vice-Admiralty Courts to adjudicate such vessels as may be captured under that order. But whatever other means may be necesssary, in a time of profound peace, to give effect to England's interpretation of the law of nations, those means

* The mortality of the troops at Sierra Leone appears to be periodical. From 1818 to 1822 both inclusive, the deaths were under 2 per cent: in 1824 and 1825 they rose to 8 per cent, the maximum: but from 1830 to 1833 the average state of health was far better than in any of our tropical settlements. We borrow these figures from Mr. Montgomery Martin's Statistics of the British Colonies, without vouching for their accuracy; for with a strong desire to do justice to the industry displayed in that surprising compendium of colonial information, our experience of the work, and especially of that part which concerns the African colonies, is not favourable to its correctness. Mr. Martin does not seem to know that in all the provinces adjacent to the British settlements the slave-trade is carried on to an unprecedented extent; he notes with a mark of astonishment the fact that the Bonny River exports 20,000 slaves per annum; and he has a very imperfect notion of our settlement in 1827 at Fernando Po.

she will surely not hesitate to adopt, when her only other alternative is—retiring at once from a contest, which she has so long waged, baffled, beaten, and insulted by a set of lawless and outcast smugglers; or wilfully continuing to sacrifice thousands of valuable lives and millions of money, with the full knowledge that the only result of her further efforts will be, fresh triumphs to the slave-traders, and the increased misery of their victims.

"Desirable as would be the concession by America of the right of mutual search, experience has shown that we can expect no permanent advantages from it. The allegiance professed by the slave-dealers of all nations to the flags of France, Portugal, and America, successively, will then be transferred from one South American State to another, through all the independent Governments that at present exist, or hereafter may arise, in that divided quarter of the world. The plan which we now recommend is a certain and effectual remedy, so far as it is enforced, for the evils complained of; and, if now rejected, *must* be adopted at some future period, when England has grown sufficiently weary of making sacrifices for the attainment of an object which is ever eluding her grasp."—*Class A. Further Series*, 1839, p. 153.

"In the mean time, it is our duty to render our present slave treaties as efficient as possible, and to employ the means which we already possess, in counteracting the efforts of the slave-dealers. With this view, we beg leave briefly to offer a few suggestions for your Lordship's consideration.

"1. The immediate occupation of all the Portuguese settlements north of the Line, viz., the Cape de Verds, Bissao, Cacheo, Princes, and St. Thomas.

"We have seen above, that twenty-one out of the thirty vessels adjudicated last year, obtained their fictitious papers at one or other of those wretched places. British occupation would of course put an end to these irregularities, besides opening sources of legitimate traffic. The right to occupy is as clear as the beneficial effects of occupation, so far as slave-trade is concerned. The determined refusal or neglect of Portugal to fulfil her Treaty engagements with Great Britain, has entitled the latter to demand the immediate repayment of the immense sum by which those engagements were purchased; and the African settlements of Portugal might be held in pawn until the payment be completed." * * * *

"As a collateral security for the attainment of the promised 'total abolition of the slave-trade for the subjects of the crown of Portugal,' the occupation of the Portuguese settlements north of the Line is now recommended. Nor need it be attended with any but a very trifling expense, or embrace more than the single object for which it is undertaken,—the visitation and search of every vessel within the Portugese waters, or three miles from the Portuguese territories above named, and the detention and trial of such as may be equipped for slave-trade, or be aiding and abetting the illegal traffic; dealing with the suspected and the guilty in the same manner as we should, if they were committing the same offence within British waters."—*Class A. Further Series*, 1839, p. 194.

The first of these suggestions has already been partially adopted by the Bill for the suppression of the Portuguese Slave Trade, which has recently been forced through Parliament. That bill enacts that it shall be lawful for British cruisers to capture, and for British courts to condemn, Portuguese vessels engaged in the slave-trade, as if they were British vessels, and under the same presumptive evidence. We acknowledge that whilst we yield to none in our desire to see the slave-trade abolished, we are at a loss to comprehend upon what legal principles that act has been passed and is to be carried into execution; and we entertain little doubt that as it is an unprecedented exercise of the legislative power of this country, so it will draw upon the Executive very serious embarrassments.

The means of enforcing the right of search of the vessels of neutral powers in time of war may be simple, but to enforce a right of search, unless it be mutually granted by special agreement, is a belligerent act performed by belligerent means alone; and to assume that right is, *ipso facto*, to assume the attitude and the rights of a belligerent power—in other words, to declare war. But the right of search is not all—a right of capture is given by the act,—captures in time of peace, which might well have roused the not unnatural curiosity of that great judge whose dictates are the foundations of international law, as expounded by Great Britain. The vessels are to be condemned for a violation either of British laws or of Portuguese; but Portuguese vessels on the high seas are not amenable to British jurisdiction, but to the jurisdiction of the Mixed Commissions, and then only when slaves have actually been found on board*; and as to the violation of Portuguese law, the British judge has no legal right to assume (notwithstanding whatever experience may have proved) that a power will not put its own laws in force, or "to intrude himself *in subsidium juris*," to use Lord Stowell's expression. The very penalties are forfeit to the Portuguese Crown, and we have no claim *mero motu*, to enforce or to receive them. No principle can be clearer than that every power has the exclusive right of executing its own municipal law, and its own maritime police.

* See Convention of 28th July, 1817, Articles vi. & viii.

"The difficulty of the attainment," said Lord Stowell, "will "not legalize measures that are otherwise illegal. To press "forward to a great principle by breaking through every other "principle that stands in the way of its establishment; to "force the way to the liberation of Africa by trampling on "the independence of other states in Europe; in short, to "procure an eminent good by means that are unlawful, is as "little consonant to private morality as to public justice. "Obtain the concurrence of other nations if you can, by ap-"plication, by example, by remonstrance, by every peaceable "instrument which man can employ to attract the consent of "man. But a nation is not justified in assuming rights that do "not belong to her, merely because she means to apply them "to a laudable purpose; nor in setting out upon a moral cru-"sade of converting other nations by acts of unlawful force*." As far as extraordinary rights, such as the right of search in time of peace, have been conceded by treaty, they are doubtless to be exercised, but *strictly subject* to the conditions under which they were so conceded. The bad faith of one party does not justify a departure from the law of nations and the stipulated limitations of a treaty by the other; nor can an act of parliament extend the rights which exist only by the consent of a foreign power expressed in a mutual convention.

On the same high authority we assert that "the legislature "must be understood to have contemplated all that was within "its power and no more†." We humbly contend that it was not in the power of the legislature to make the proceedings provided for in this act legal, in the sense of international legality; and that if the British Admiralty Courts condemn vessels in conformity with this enactment, it must be on the assumption that we are in a state of war with the power to which vessels so captured and condemned may belong. It

* 'Le Louis,' II Dodson Rep., p. 257. The anterior decision of the court of prize in the case of the 'Amedie' (I Dod., 84) and Lord Stowell's judgement in that of the 'Fortuna,' extended the grounds of confiscation of vessels a good deal beyond the mere violations of belligerent rights. But it must not be forgotten that these decisions were given in time of war; and Lord Stowell's remarks on the latter occasion, as well as the subsequent case of 'Le Louis' in time of peace, show the extreme caution with which he was inclined to guard against any infringement of the legislative independence of another nation by our own acts of maritime police. Sir W. Grant's opinion in the 'Amedie' goes a step further than Lord Stowell would follow.

† Ibid, p. 254.

will hardly be asserted that, in conformity with the general principles of national intercourse, any state has a right to make laws, to be enforced beyond her own boundaries or on the high seas, which conflict with generally recognised international law. But it is unquestionable that a nation has no right to take the execution of the municipal law of another nation into its own hands: such a result can only be the result of a treaty of peace dictated to a conquered people. We have a right to claim the performance of the promises of Portugal; but in default of such performance, we have no power given us by the treaty of carrying those promises into execution by our own laws and ships.

The position we must be placed in with the Portuguese Government becomes at any rate to the last degree anomalous. To give a correct view of the state of a question bearing so directly on the slave-trade, we must look back for a moment into the history of these transactions.

By the Treaty of 22nd of January, 1815, Portugal agreed that no Portuguese subjects should carry on the slave-trade on any part of Africa north of the equator: that Portugal would adopt, in concert with Great Britain, such measures as might best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning: that Portuguese subjects and the Portuguese flag should not thenceforward engage in the slave-trade except for the purpose of supplying the Transatlantic possessions of Portugal: and *that Portugal should determine by a treaty with Great Britain the period when the Portuguese slave-trade should wholly cease.* Great Britain thereupon agreed to pay 300,000*l.* to Portugal in full discharge of all claims arising from the capture of Portuguese property up to June 1, 1814, and to remit such further payments as were due on the loan of 600,000*l.* contracted in 1809 for Portugal. These engagements on the part of Portugal were reiterated by the Additional Convention of the 28th July, 1817. Great Britain performed her part of the agreement; but from that time to this, Portugal has neglected to take effectual means for putting down the trade, although the emancipation of the Brazilian colonies has removed the only pretext on which it could be carried on; she virtually allows her flag to cover

the trade; she has not taken the promised step to assimilate her legislation on the slave-trade to that of England; and she refuses to conclude the Treaty for the entire suppression, which she agreed to contract twenty-four years ago. A Treaty to that effect was carried to the last stages of a most protracted and harassing negotiation by Lord Howard de Walden in 1838; and we will venture to assert that no diplomatic negotiation was ever laid before the public which could exhibit more forbearance, ability and firmness, than has been shown on this occasion by the British ministers both at home and in Portugal*. Every conciliatory clause was introduced which could soothe the pride of the Portuguese nation without forfeiting the great object of the Treaty; every possible mark of respect was shown to Viscount Sa da Bandeira and the government of Her most Faithful Majesty. But the whole transaction was ultimately broken off on the 8th October last, chiefly on the demand of Portugal that Great Britain would guarantee to her the preservation of her African colonies. This was the principal pretext for the shuffling conduct of the Portuguese Government, though several others were at various times put forward. The real reason was the extreme unpopularity both in Lisbon and the Portuguese colonies, of a treaty intended to prohibit a traffic in which the merchants of those countries are so largely engaged. Viscount Sa da Bandeira is, we believe, an enlightened statesman and, probably, no friend to the slave-trade; but it seems clear that he dare not or cannot brave the opposition of the public and the Cortes to his government in support of the slave-trade; in other words, that Portugal will not allow the administration to fulfil its engagements with Great Britain. The Equipment article, as it is termed, by which vessels equipped for the slave trade are made liable to seizure, was adopted in the Spanish Treaty of the 28th June, 1835; and it was introduced into the Royal Decree of the Queen of Portugal of the 10th December, 1836, together with several other good preventive measures suggested by Viscount Sa himself. That decree, however, seems never to have been

* See the whole negotiation and the several successive draughts of the treaty in the Slave-trade Papers. Class B. 1838.

enforced; and the British Act of Parliament does in fact little more than provide means for the execution of a Portuguese law. But it is against this assumption by our Cabinet and Legislature that the Portuguese Government loudly protests to all the states of Europe; and, as far as the point of law raised by them goes, we think with some reason. As for the policy of the measure, Portugal has little reason to complain, since it is a very mild form of hostility. Some organs of the Portuguese authorities indeed go the length of asserting that the large sums paid over by England twenty-four years ago, were intended as an equivalent for the restitution of Guiana to France, which took place under the mediation of Great Britain, and not for the abolition of the slave-trade; but this pretence will not support a moment's investigation.

The case then is, that Portugal shows the utmost repugnance to fulfil the ulterior stipulations provided for by the agreements of 1815 and 1817, although the money consideration for those stipulations was paid over at the time. To meet this difficulty the English Government passes its Portuguese Act. We venture to adhere to the opinion before expressed, that the only recognised mode of enforcing the stipulations of a treaty is by measures of actual hostility,—by an embargo, by letters of marque, by a blockade, by a declaration of war, by orders in Council for the capture of vessels and the condemnation of prizes—but not by Act of Parliament. You can no more pass an Act of Parliament to capture Portuguese vessels, independently of the express conditions of the Convention of 1817, than you could pass an Act of Parliament to blockade the Tagus: these are necessarily unqualified belligerent acts emanating directly from the Crown.

Perhaps the introduction of this measure was intended only as a solemn warning to the Portuguese nation of approaching hostilities. We should have thought that the language of the Cabinet would have been quite as proper in such a case as the language of the Senate. But whatever was the intention, it is to be presumed that the Queen's cruisers will forthwith proceed to act upon such instructions as are therein provided for; and if such be the case, the probability is, judging from the language of the Government of Portugal and

the feeling of that nation, that our refusal of restitution would be followed by non-intercourse and by actual war.

We do not recoil from such a result; nor, as we believe, will the English Cabinet. The duplicity, the tergiversations and breaches of faith of Portugal, as well as the paramount object of putting down her enormous slave-trade, afford most ample grounds for a declaration of war even against our oldest ally. But it befits the dignity of England that every proceeding should be conducted with the strictest regard for the rights of a sovereign and independent nation. England may compel her enemies, but she cannot dictate to her friends. Portugal might, doubtless, re-establish the slave-trade in its fullest extent to-morrow by a legislative act; but the only mode in which England could interfere would be by declaring war on her for the violation of the Convention of 1817; a violation which would even then be hardly more flagrant than it is virtually at this hour.

A declaration of war might put a complete stop to the Portuguese slave-trade; and a small effusion of blood would seriously check the most prodigal and enduring waste of human life which was ever covered by the prostituted flag of illicit commerce. Hostilities commenced for the sake of the slave-trade abolition would with propriety be directed principally against the offending colonies; and if ever we arrive at such extremities, we think that Great Britain will be justified in resorting to the occupation of all those Portuguese settlements alluded to in the report of the Sierra Leone commissioners. But measures of so aggressive a nature are not to be taken, and will not be taken, without the most imperious necessity: we have no desire to see Great Britain wantonly exposed to the ridiculous imputation of pursuing the aggrandizement of her own commercial and colonial interests, under the mask of hostility to the slave-trade. Our motives are pure: our sacrifices have been as unceasing as our exertions, and both have been ungrudgingly bestowed. The whole British people believes that this is a righteous cause; and, so that humanity and justice prevail, we care not what betides. The Government may confidently rely on the general feeling which carried the Emancipation Act, and which has

responded for more than forty years to the appeals of Wilberforce and Clarkson and Macaulay and Granville Sharpe and Brougham and Lushington and Buxton. But it is for the Government to bear the responsibility of such acts: to be cautious how they assert claims which cannot be enforced without wounding the pride or infringing the rights of other nations—to be wary in preventing the evil, which has been scotched on one side to-day, from starting to life under a fresh form to-morrow—above all, to be resolute, when the necessary moment arrives, in striking the blow.

Article IV.

1. *Economia Rustica per lo regno di Napoli, &c.* Di Luigi Granata. 2nd edition. 1 vol. 8vo. Napoli, Tipografia del Tasso. 1835.
2. *Saggio Politico su la popolazione e le pubbliche contribuzione del Regno delle due Sicilie al di qua del Faro.* Di M. L. Rotonde. Napoli. 1834. Tipografia Flantina.

A singular concurrence of circumstances within the last year has allowed the Neapolitan Government to exercise an influence upon the commercial and internal policy of Great Britain, which was hardly to be expected from the relative importance of the two states. The maxim for the regulation of our corn-trade with which the Duke of Wellington may be said to have closed the parliamentary campaign of 1838, and which in that case turned out prophetic, is in every one's recollection. The noble duke, founding his calculation upon researches made by public and private agents relative to the quantity of corn produced in the different countries of Europe, the results of which inquiries have been in various shapes communicated to the public, asserted that we should find the ports of those nations from which we expected to draw food, closed against us in years of scarcity, when we

stood most in want of foreign supplies. This was, in other terms, asserting that the united agrarian resources of Europe did not produce sufficient corn for the average consumption of its inhabitants. Without entering into the main question of the productive powers of all the European states, it will not be uninteresting to inquire how this prophecy happened to be realized in the most striking manner, by the closing of the ports of one of the countries most favoured by nature in respect to soil and climate,—the kingdom of Naples. As this kingdom too, by being the first to restrict in the present year the exportation of grain, set the example which was followed afterwards by the Papal States, France and other countries, we may, by tracing the causes which led to the adoption of this measure, unravel with more certainty the motives by which the governments which subsequently adopted it were influenced.

M. Granata's work, in which the careful observations of a skilful naturalist are combined with the numerical calculations of a political economist, will afford us the best foundation on which to rest our inquiries. The author, we may observe, is president of the Academia Pontiniana at Naples, and has filled for many years the chairs of practical chemistry and agriculture in the university of that capital.

M. Granata assumes three distinct systems of agriculture as prevailing in the continental portion of the kingdom of Naples, to which part his inquiries are restricted. Two of these systems have arisen from the local circumstances of the nature of the soil, and the climate of the parts in which they are practised. These are denominated by him the systems of the mountain tracts, and of Campania, or of the plains on the western coast, situated between Terracina and Sorrento, the soil of which is of volcanic origin. The third system, or that of Apulia, with the description of which the author begins, we prefer treating last, as depending more immediately upon the nature and measures of the Government, which will be found to enter deeply into all the fluctuations of the agricultural interest in the kingdom.

The chain of the Appenines, which traverses the kingdom of Naples in a direction of N.N.W. to S.S.E., passing through the whole length of the peninsula, is throughout composed of

secondary and tertiary limestone formations, which are rarely interrupted by the appearance of the granite and gneiss on which they are superimposed. These primitive formations appear in the largest masses in the Gran Sasso d' Italia, the highest summit of the Appenines, situated in Abruzzo Ultra, and along the sea-coast of Calabria, both on the Tyrrhenian and Ionian seas. The greater part of the surface of the kingdom is of limestone, chiefly of a bluish colour and easily decomposed, affording a soil favourable for the labours of the farmer. By far the greater part of the kingdom is mountainous, being covered by the main chain of the Apennines and their dependent branches; but two extensive tracts of level country open, one upon the Adriatic and one upon the Tyrrhenian portion of the Mediterranean sea, forming the plains of Campania and of Apulia. The climate of the kingdom is the most delightful of Europe. In the Abruzzi, the most northern province and where the surface has the greatest elevation, (the Gran Sasso is 9500 feet; Monte Amaro 8100 feet; and other summits exceed 7000 feet in height;) M. del Re states the mean elevation of the thermometer in winter to be $-5^\circ\ 7'$ of Reaumur, or $20^\circ\ 29'$ of Fahrenheit; in summer it rises to $90^\circ\ 20'$ of Fahrenheit. The mean temperature at Naples, according to the same authority, is in winter $-2^\circ\ 7'$ Reaumur, or $27^\circ\ 14'$ Fahrenheit; in summer $+29^\circ 9'$ Reaumur, or $97^\circ\ 35'$ of Fahrenheit's thermometer. It must however be observed, that these observations being taken in the towns do not include the varieties afforded by the varying elevations and aspects of the mountains, which offer innumerable resources to the botanist in their alternations of heat and cold. In the Abruzzi the summits above-named are covered with snow from September until May, and M. Tenore (*Cenno sulla Geografia fisica e botanica*, &c.) states that in the valleys of the Majella the snow lies all through the summer. The last-named naturalist found snow in the month of July on mounts Polinello and Crispo in Calabria, at an elevation of near 7000 English feet, but doubts that it could, even in crevices, at that height resist the summer heat. Whoever has passed the summer at Naples must have remarked the delightful effect of the sea breeze at noon; and the resident in that capital whose means allow him to take alternately ad-

vantage of the variety of situation and temperature presented by the heights of the Vomero and Capo di Monte in May and June, and of the northern aspects of Castellamare and Sorrento in July and August, which, sheltered during a great part of the day from the ardent rays of the sun by the surrounding heights, are open to the refreshing breezes from the sea and the mountains, is in possession of means of luxury and health which are unknown at Rome, at Florence, at Venice, or even at Nice, the far-famed retreat of valetudinarians. The proximity of the sea-coast to the fall of the mountains throughout the whole length of the peninsula, offers similar advantages to the inhabitants of this highly favoured land in every direction. This proximity of the mountains to the sea is however the cause of another peculiarity characteristic of southern Italy, the absence of rivers large enough to afford natural means of inland navigation, or even to supply to any extent the means of irrigation. This want is however supplied by the depth of water everywhere along the coast, which is most favourable to commercial navigation, while the foot of the mountains is but in few spots fifty miles distant from the coast; and where the plains have even this limited extent, streams like the Garigliano, the Volturno, the Ofanto, and the Bradano present everywhere the means of forming the cheapest mode of communication. The fall of rain, which is very considerable in the course of the year, and which is heavier upon the western than upon the eastern fall of the Apennines*, fortunately supplies the place of the failing means of irrigation, or which are perhaps only too much neglected by these indulged children of nature.

From this rapid survey of the advantages which the soil and climate of the kingdom afford to the agriculturist, it will not appear singular that nearly every description of plant which the torrid or the temperate zones produce, is found in suitable sites, nor that the palm-tree and the cactus should flourish almost by the side of the oak and fir; that the cotton-plant should divide the field with its half-supplanted rivals, flax and hemp; and that in Sicily a similar approximation be

* In the Abruzzi, 22 inch 9‴; at Naples, 29 inch 8‴.

found between the sugar-cane and the beet-root, between crops of wheat and the bread-fruit tree, which there attains maturity in the open air. On the less elevated spots all the varieties of the orange and lemon attain perfection, and the olive "swells with floods of oil," while the vine, allowed to extend its graceful length from tree to tree, affords equal delight to the eye and to the palate. But we must break off from these alluring descriptions, and penetrate into the less poetical regions of calculation.

A characteristic feature of Neapolitan agriculture, is that the soil produces a greater crop of cereales and of grass when protected by trees from the burning rays of the summer sun, than when left open and unprotected. Hence the cultivation of the vine, the mulberry-tree and the olive is most advantageously combined with arable husbandry. In the provinces which are best tilled, the fields are covered with elms or poplars, on which the vines are trained, or with olive-trees planted in rows thirty to forty feet asunder. Considerable spaces are consequently left untouched by the plough in such lands, which are denominated "terreni arbustati," that the roots of the trees may not be exposed to damage. Still the crop of corn, clover, or grass raised upon land thus planted is calculated only at one-third less than is yielded by naked fields (terreni nudi). The mulberry-tree, the extensive cultivation of which in the north of Italy is of comparatively recent introduction, is only planted numerously in Calabria; but as it affords a most advantageous crop with a small consumption of labour, it is gradually spreading in the other provinces with the increase of the population. Of this part of husbandry, that is to say of the crops derived from these plantations, M. Granata takes no further notice than observing that one-third must be deducted from the calculation of crops yielded by the open country when the fields are thus protected by trees, and then confines himself to the manners of raising corn and grapes now practised in the kingdom.

What he denominates the mountain system is, owing to the nature of the country, that which is the most extensively adopted.

The farms in the elevated districts he describes as being small, varying in extent from one and a half to seven English

acres*, and almost all tilled by hand labour. With the exception of a few districts where the soil is particularly heavy, a crop is taken off the fallow on which spring wheat, but oftener maize, is sown in the spring, after due preparation. This summer crop being gathered in, wheat is sown in the autumn, and is followed by a second crop of wheat, or by barley, oats or beans according to the fertility of the soil. This rotation usually ends with one or two years of repose, during which the spontaneous growth of grass upon the stubbles is grazed down. The gradual increase of the population, however, necessarily brings with it an augmentation of stock; and the plantations are not only rapidly extending, especially along the coasts, but better systems of tillage are becoming frequent, among which the following are noticed:

On strong soils manured by sheep: 1st year, fallow, with potatoes: 2nd year, wheat: 3rd, beans: 4th, barley.

On light soils: 1st, fallow, with maize, potatoes, or vegetables: 2nd, wheat: 3rd, rye.

Rye and barley only succeed in elevated spots, and spelt is sometimes, but much more sparingly, cultivated.

The second system, or that of Campania, is confined to the district known by this name, and is for the reasons given above, as well as for others which we here subjoin, peculiar to the kingdom of Naples.

The geological map annexed by M. Tenore to his "*Cenno di Geografia fisica e botanica del regno di Napoli,*" marks the whole extent of country between the fall of the hills on which Ponte Corvo and Gaeta are situated to the N.W., and the rise of the heights which terminate in the promontory of Campanella to the S.E., stretching eastward to the foot of the main chain of the Apennines near Cava, Nola, and Avellino, and including Benevento, as the region of extinct and active volcanoes. This district includes the sea coast of the bays of Gaeta and Naples, between the Garigliano and Sorrento, together with the islands Ischia and Procida, and the small islands outside the Bay of Gaeta. Thus the whole of the province of Naples and great part of the Terra di Lavoro are included in this volcanic district. The soil of the extensive

* The Neapolitan Moggiò = 33·4 French ares.

plain of Capua, from the Garigliano to the heights upon which Naples is situated, is composed of what M. Tenore calls secondary tufa, to distinguish it from the more ancient, or as he calls it, primitive tufa of Ischia, Procida and the Vomero near Naples. Both descriptions of stone yield a most productive soil, easily decomposed, and which is of considerable depth in the plains. As the high road from Rome to Naples lies through the Plain of Capua, the luxuriant vegetation of this part of Italy strikes involuntarily the most superficial traveller, who sees flourishing crops of grain waving under the shade of myriads of olive trees and vine-encircled elms or poplars, nearly the whole district containing *terreni arbustati.* On the heights near the capital, the cultivation of the soil is so admirably managed, that in some of the villas at Capo di Monte three crops are actually produced at once, by the addition of the lofty pine, which spreads its towering, roof-like foliage so far above the vines that it deprives them of but a small portion of the sunshine, while the delicate fruit the former yields is a most welcome addition to the juice of the latter in the dessert of the connoisseur. The Valley of the Sebeto, between Capo di Monte and Vesuvius, is one uninterrupted garden, from which the markets of the capital are supplied; the sides of the volcano are covered with the vineyards yielding the delicious Lacryma Christi, which, as well as the wine of Pozzuoli, near the Solfatara, is said to owe its superior flavour in a great measure to the action of subterraneous heat. M. Tenore states the produce of some vineyards on the southern slope of the Solfatara of Pozzuoli to amount to the almost incredible quantity of eight tons of powerful wine to the English acre*, while vegetables attain maturity two months earlier in the gardens upon those heights than in other adjacent spots. At Ischia the effect of this subterranean heat is equally perceptible. The greatest length of the highly favoured district which we have here described is 69 miles, and its greatest breadth, from Benevento to the extremity of Ischia,

* It may be prudent to give the words of the learned Director of the Botanic Garden, that we may not be accused of indulging the propensity with which travellers are frequently reproached. "E risaputo che le vigne piantate sulle colline che circondano le falde meridionali della Solfatara danno fin a 13 Botti (Pipes) di *poderosissimo* vino per ogni moggio." (three fourths of an acre.)

is about 50. From its ancient appellation, Campania, and its modern designation of *Campania felice*, our author calls the agricultural system in use in this district the Campanian System.

The population in these provinces is very dense, averaging in the Terra di Lavoro 350 to the square geographical mile, while the province Napoli, exclusive of the capital, reckoned in 1832, 386,396 inhabitants on 326 square geographical miles. Land is divided into tenements of a middling extent, and the abundance of manure causes the fallow to disappear altogether from the rotation of crops, and the ground to be kept in an almost unremitting state of production.

The following rotations are quoted by M. Granata as in common practice.

Soiling is sown in the middle of October, or rape, lupins, or clover, which the mildness of the winter allows to grow in such a manner as to furnish green food for cattle through the months of December, January, February and March. In April maize is sown in the furrows where the land has been ploughed, or planted with the dibble where it has been turned with the hoe, (*zappa*,) a mode which is common on small farms. Beans, potatoes, or gourds are planted between the maize plants; and in the autumn wheat is sown after these summer crops are gathered in. Hemp is frequently sown instead of maize in the first year, and wheat in the second, especially where the ground is dunged by sheep. A quadrennial rotation of hemp, with dung; 2nd, wheat; 3rd, spring wheat; 4th, wheat, is also in use.

As in this part of the kingdom scarcely any other description of fodder is raised for cattle besides clover and other artificial grasses on soiling, a highly-studied rotation is often found in well-managed farms, in which care is taken to provide a supply of various seeds for the coming years. On the whole, perhaps, no part of Europe, not even excepting the highly-tilled grounds of Lombardy, produce so much as this part of the kingdom of Naples, in which, too, the industry and skill displayed by the farmers, if equalled, is certainly not surpassed by the inhabitants of any other land. The vintage and the olive harvest intervene, it must be observed, between the housing of the crops of grain and the seed time. Silk is

got in between the hay and corn harvests, but the cultivation of the mulberry tree is, as has been observed, not extensive in this district.

The third system of agriculture practised in the kindom of Naples is that in use in Apulia or in the plains situated between the foot of the Apennines and the Adriatic. The peculiarities which distinguish this system are less dependent upon the nature of the soil or climate of those provinces, than upon certain political restrictions in which it originated, and by means of which it has been preserved. We must enter somewhat at large into the history of these restrictions, as they throw a strong light upon the social state of the south of Italy, and explain many phenomena in the material and moral development of that part of Europe which are otherwise unintelligible to the historian as well as to the political economist.

The level tract of country situated between the rivers Fortose on the north and Ofanto on the south, and bounded by the Apennines on the west, which there run in the direction of N. to S., was known to the ancients under the name of Daunia, and in the middle ages under that of the plain of Apulia or Puglia. On the east this plain extends to the Adriatic and the foot of the isolated group of Monte Gargano, with which and with the western slope of the Apennines from their ridge, it now forms the province of Capitanata. The plain, about eighty miles in length and thirty-five miles in breadth, has a gentle slope from the foot of the mountains to the sea, although scarcely perceptible in some parts, sufficing to allow the mountain-floods to run off in winter in a number of streams, which being dried up in summer are called by the Italians *torrenti*. The soil is composed of an argillaceous bed, of about two feet on an average in depth, resting on a substratum of limestone, beneath which a deep layer of gravel partially imbedded in clay is found, known by the local name of *brecciale*. In summer the heat is excessive, and the ground, totally denuded of trees, is parched by the scorching sunbeams; but in winter, although snow occasionally covers its surface, yet this is of rare occurrence, and forms no obstacle to the flourishing growth of the herbage, with which, in that season, it is clothed. From time immemorial this plain seems

to have been resorted to for winter pasturage by the shepherds of the adjacent mountain ranges; and both under the republic and the emperors of Rome, the tribute paid for the right of grazing on it formed one of the resources of the state. Under the Gothic and Lombard rulers no certain records of the manner in which this species of revenue was managed have been preserved; the first historical notices concerning it show that it formed part of the crown lands under the dominion of the Norman line of kings, who reigned between 1130 and 1198. The disorders occasioned by the contests between the sovereigns of the house of Suabia and the popes, and which terminated with the extermination of the powerful family of the Hohenstaufen by the execution of the unfortunate Corradino in 1268, seems to have been equally disastrous for the industry of the people as for the royal power. Under the dynasty of Anjou (1268–1442), as the country slowly recovered from the ravages it suffered during the sway of their predecessors, the tribute derived from pasturage in Apulia was re-established, and was fixed by the last sovereign of that house at twenty ducats in gold for every hundred oxen, and two ducats for every hundred sheep. In 1442 Alfonso of Aragon ascended the throne as the victorious rival of Réné of Anjou, and from this epoch the direction given to the revenue arising from the royal pastures of Apulia acquired importance as a leading feature in the history of the south of Italy.

"As soon as Alfonso ascended the throne of Naples he undertook the arrangement of the finances, and increased the tax levied upon cattle by the crown, and which even before his time had been named the '*dogana della mena delle pecore di Puglia.*' This astutious prince proposed to make the migration of the cattle from the mountains to the pastures of Puglia *obligatory*, whereas it had hitherto been voluntary on the part of the owners. It was necessary to hold out some inducement to the cattle-breeders to second his design, and Alfonso granted to Francesco Montluber, a knight of Catalonia in his service, the power of concluding a contract in his name, by virtue of which the owners of cattle were under an obligation to send their flocks and herds to the royal pastures during the winter, on the king's agreeing to furnish them with salt at a reduced price, and to allow them other immunities and privileges, as well as to provide them with the means of conducting the cattle into those parts and back with due convenience."

According to the author of the second work cited at the

head of our article (M. Rotonde), the tax levied by king Ladislaus and queen Giovanna II. of Anjou was not in consideration of the use of the royal pastures alone, but was a tax upon cattle levied throughout the kingdom, similar to that which has often been imposed in different parts of Europe, and which is still levied, we believe, in Wirtemberg. This explains in some measure the little difficulty which the king encountered in the introduction of what now appears a measure of tyrannical origin. It will be seen, too, that Alfonso's successors abused the power thus conceded to them by virtue of a solemn compact. M. Granata continues,

"Alfonso's wishes were accomplished by the conclusion of a contract with the inhabitants of the Abruzzi, but his designs had a greater scope. It was his intention to establish for the court a revenue upon a grand scale, and to render all the flocks and herds in the kingdom, and even those of the papal states, tributary to this end. Foreseeing that the crown lands in Puglia would not suffice to the wants of so great a number of animals, the king concerted with Montluber to purchase the right of winter grazing upon the grounds of many barons, of the universities, convents, and of private individuals, especially on those situated in the three provinces of Puglia and on the sea coast of Abruzzi, to be at his disposal from the 1st of October in every year until the 8th of May following, on payment of an annual stipulated sum."

Thus the Spanish code known by the name of the *mesta*, according to which the privilege of grazing conceded to the owners of the once numerous herds of that kingdom was regulated, became transplanted to the soil of Italy. It will be nothing surprising to find that this forced direction given to agriculture, the principal occupation in countries so highly favoured by nature, should in both lands have produced results equally subversive of the material prosperity and of the moral improvement of the nation. But it is not uninteresting to follow the arrangements adopted to render the execution of this extraordinary plan practicable.

"But the migration of the cattle from the mountains to the plain, and their periodical return to the highlands, could not be executed without commodious roads, on which the necessary provender was furnished for their subsistence. Montluber therefore established roads of this description, named *tratturi*, each having a breadth of 360 feet (60 *passi*), laid down in the manner of radii converging to a common centre in the plain from the surrounding provinces. The three principal roads were the following. One commenced at Aquila and terminated at Saccione; the second led from

Celano to Sucera; and the third from Pescoasseroli to the plain near Ascoli. Other traverses of a smaller size, denominated '*braccia*,' opened into these grand passages, and the subsistence of the beasts was provided by Montluber by the purchase of the right of grazing on certain lands adjacent to the *tratturi*, of which two resting-places were formed (*riposi laterali*). On these the cattle had permission to graze, and remain twenty-four hours or longer on their way, as circumstances required. Finally, it was ordained by Montluber that the cattle should be driven along no other roads than these, in order that they might pass by certain spots denominated *passi*, the custody of which was given to his functionaries. But the minister found it necessary to provide also spots in the neighbourhood of the plain on which the cattle might remain for some days, until the distribution of the pasture-ground, which was apportioned according to the number of heads, was made. Thus two general resting-places were established; one comprising the pastures situate between the rivers Sangro and Fortose, in the province of Chieti, named the *Saccione* from the abundance of springs it contains; the other, named the *Murga*, included a large tract of country in the province of Bari."

The calculation on which the distribution of the pasture land was based was the following. Sixty acres of land were considered sufficient for the grazing of one hundred head of sheep, where the land was good and the pasturage rich. On poorer spots three quarters of an acre, or one acre, or even more, was allowed to each sheep. Two old sheep or two lambs were considered equivalent to one young sheep after the first shearing. An ox, a horse, a mule, and a cow, were reckoned as ten sheep, an ass as five, a pig as two and a half; three calves were counted equivalent to two cows, and three foals to two horses. The surface of the plain, containing, according to measurement, 553,330 acres, was adjudged capable of affording food to 900,000 sheep. In addition to this grand centre of pastoral husbandry, two other tracts of pasturage were established by the royal commissary; one in the province of Lecce, called the "Locazione di Otranto," destined for 25,000 sheep, and one in the Abruzzi named the "Doganella di Abruzzo." The cattle arriving from different provinces were allotted to adjacent portions in the partitioning of the land, and such provincial agglomerations were termed "Nazioni."

Thus was accomplished one of the most singular plans ever invented by the meddling spirit of despotic legislation, for giving an arbitrary direction to the industry of a nation. The plan was no doubt considered at the moment a master-piece

of financial wisdom; but the candour of an unsophiscated age has commemorated the object to which the revenue thus raised was destined, and the designation of the *Tavoliere di Puglia*, by which this branch of the receipts of the crown was distinguished, proclaimed it to be intended to defray the wasteful luxury of a dissipated tyrant.

The price to be paid by the owners of cattle to the royal treasury was originally fixed at 8 duc. 80 carl. (1*l.* 10*s.*) for 100 head of sheep, a sum, even in those days, not exorbitant for five months' grazing; yet the inconveniences attending these periodical wanderings were found to be so great, even in times when the moral disadvantages were necessarily but little regarded, that we find numbers of proprietors preferring to pay this tax and keep their cattle at home, rather than undergo the risks and expense of a distant expedition. A special branch of the *tavoliere* was consequently formed in the "*Dogana delle pecore rimaste*," which collected the tribute from such as did not avail themselves of the right of grazing. These must, however, have been the most distant landowners, on whom the tax must have fallen with all the weight of an unjust extortion. But such as were in a situation to derive benefit from the arrangement seem to have eagerly done so, and not to have been few in number.

"These arrangements having been made, the wishes of Alfonso and the unwearied assiduity of Montluber were crowned with a most successful result. The concourse of cattle which flocked to the *tavoliere* increasing with every year, the pastures became insufficient for so great a number, and the government found itself under the pleasing necessity of acquiring the right of grazing over a greater extent of territory, in consideration of annual payments. These new pastures were called *ristori*, and were apportioned in augmentation of the *locations* distributed in the plain. They included forty-nine *difese*, of which twenty-nine were on forest land, and although not measured, were computed equal to nourish 168,260 head of sheep. Twenty were in the open country, comprehending 427,786 acres, which were taxed at 100,480 sheep. The herbage of the *ristori*, however, not being equal in quality to that of the plain, these spots were reserved for goats, for wethers, and for cattle neither breeding nor giving milk.

"The concourse of cattle increasing with the augmentation of the pastures, even the additional help of the *ristori* was not found to suffice, and the government was obliged to require the owners of the pastures, both clergy and laymen, to keep the summer grass, of which they had hitherto had the free disposal, at the disposition of the Tavoliere, until the middle of October. They were at the same time allowed to declare whether they

would concede the whole of their right or only a part. The cattle were then distributed according to mandates called '*dispensazione.*' The compensation for this newly-acquired right, called '*straordinarii insoliti,*' was settled by contract between the Doganiere and the proprietors."

Montluber was declared by the king "*doganiere perpetuo*" of the *Tavoliere.* But to complete the description of his institution, we must subjoin the regulations established for the maintenance of order in, and facilitating the survey over, this extensive institution. The "*locati,*" or those to whom grazing had been allotted,

"could only send their cattle into the plain or withdraw them from it by passing one of the six passes above-mentioned, which were jealously observed by the *Cavallari.* Before they were allowed to enter, the owners were obliged to declare the number, which was entered in a book after being verified, and opposite to it the sum was inserted due by each owner to the crown. Penalties were decreed for the declaration of a smaller number than the truth. The Locati were obliged to sell their cheese, lambs, wethers, foals, calves, and the whole produce of their stock at Foggia, the usual residence of the Doganiere, in order to defray with the receipt of this produce one half of the sum which it was incumbent on them to pay. The other half was paid by the sale of the wool at the fair of Foggia; and if this was not sold it was stored in magazines in that city, as security for the amount of revenue due to the court. Only upon fulfilment of these conditions the owners received the passports necessary to allow their flocks and herds free passage from the plain of the Tavoliere."

Important privileges were, on the other hand, conceded to the "*locati*" by the crown.

"From the obligations we pass to the immunities, among which the most considerable were the exclusive right of sale in the market of the Dogana, exemption from the payment of tolls instituted by the barons on their fiefs, freedom from the *gabelle* levied upon articles of food, the purchase of salt at a lower price than that for which it was given to the other inhabitants of the kingdom, and the prohibition against any other animals being allowed to enter Puglia, as well as against the importation of wool and cheese. But the most important concession made to these shepherds was the right of representation and of having a pastoral government of their own. The owners of cattle in all the districts, or, as they were termed, *nations,* formed a *generalità,* and were represented by four deputies chosen by ballot by the mass of Locati assembled in Foggia, and who met on an appointed day in the palace of the Dogana.

"It was the duty of these deputies to defend the interests of the *generalità* before the magistrates and the sovereign; to watch over the supplies of food, and the means of supporting and furthering this description of industry; to sign the orders for the distribution of salt; and to decide as

arbitrators the controversies arising amongst the shepherds, in as far as they regarded their pastoral occupations."

That so complicated a machine should work well as long as there was no special inducement for the persons who had the direction to abuse their power, was as much as could be expected from it. The first blow it received was from the devastations committed by the contending armies of the kings of France and Spain, who in the early part of the 16th century disputed the sway over these fair lands. The destruction of cattle by the defeated army of Louis XII. in 1503 formed a melancholy trophy for the poor inhabitants of the victorious arms of Gonsalvo, "*Il gran Capitano.*" From the reign of Ferdinand II. down to that of Charles VI., or from 1521 to 1718, Naples was governed by viceroys as a dependence of the kingdom of Spain. These officers, too distant from the court of their monarch to be under his personal observation and control, inflicted every description of oppression on the unhappy country committed to their care, which vice and ignorance could devise for the gratification of petty passions. According to the unanimous testimony of historians, this period of the history of the south of Italy is unrivalled in the demoralization it displays of a fine country, abounding in physical and moral resources, but abandoned to the misrule of governors, who sacrificed alike the interests of the crown and the people to the gratification of lust and avarice. Under the viceroyalty of the Marquis of Mondeiar, which lasted four years and five months, (1571 to 1576,) that nobleman is said to have accumulated in his private coffers the sum of 3,400,000 ducats; and this extortion took place after Ferdinand had drained the country of men and treasure for the prosecution of the wars with the revolted Dutch provinces; after his son Charles V. had exhausted all his resources in the expeditions against Turkey, against Tunis, and in his French wars;—during a period when the country was exposed to the ravages of the Turks, with whom the sovereign was at war; to the plague, which in one year carried off 30,000 of the population at Messina alone; and while the kingdom was afflicted with the fearful scourge of famine. That under this change of circumstances the *Tavoliere di Puglia* should prove an instrument of oppression in the hands of rapacious rulers,

and an incitement to demoralization on the part of a people goaded to desperation by tyranny, lay in the natural course of events.

The principal change in the system of administration during this disastrous period, consisted in allowing the owners of flocks and herds to *profess* the numbers they intended to send down into the plain, instead of their being carefully counted over by the officers of the Dogana. This alteration, which was probably adopted in order to induce large landed proprietors, whom it was not easy to control, to send their cattle down as usual, fell heavily on the poor man, whose scanty flocks were too easily numbered to allow of his declaring less than the truth. Yet in spite of this indulgence the number of sheep professed in 1602 was found to amount only to 588,947, so destructive to agricultural prosperity had been the rule of the viceroys. The *generalità*, or assembly of deputies watching over the interests of the landowners, were then induced by the government to consent to the doubling of the rate paid for the right of grazing, a measure which gave the institution its death-blow, as a source of revenue for the crown. Various experiments were tried by successive ministers to reinvigorate the decayed *tavoliere*, but no others were found to be effectual than the unwelcome measures of diminishing the rate, and of exempting the cattle of the poor from the onerous obligation.

The failure of one of its most prolific sources of revenue was, however, by no means the only disadvantage which the nation and the government had to deplore in the decline of the *tavoliere*. The moral effects of this institution on the nation at large were of far more importance.

In times of the greatest tranquillity and most favourable to a strict observance of the laws, the introduction of the custom of periodical wanderings, by means of which many thousands of the inhabitants of a country were drawn from the social ties of the family circle, and exposed for months to a life of hardship and privation, would be an experiment which a wise legislator would hesitate to suggest, and would shudder in adopting. What then must have been the consequences of such a state of things, when all ties were loosed, when the church, instead of pouring the balm of Christian doctrine with

healing power over the suffering land, was labouring, although happily in vain, to add the scourge of the Inquisition to its other sources of woe; when the barons, excited to rapine by the example of the sovereign and his lieutenants, knew no law but their will, and no control but the limits of their power? It is here unfortunately unnecessary to hypothetize, for history has recorded the answer.

In the system of the *Tavoliere di Puglia* we have one of the chief sources in which those bands of robbers originated, which down to our own times have been the scourge and the disgrace of southern Italy. Men exposed to the hardships of a life of Tartars will everywhere involuntarily be subject to adopt the vices of a nomadic life. But in a country which affords to the peaceable, stationary inhabitant the means of existence, and even of enjoyment, almost without toil, what must be the situation, what the feelings, of the Apulian shepherd? Banished as he was to the barren portion of the wilderness, with what eyes must he have regarded the favoured children, who were suffered to enjoy their birthright undisturbed, and to know the happiness which centres in a home? The annual repartition of the grazing land, by means of which the same tract scarcely ever fell to the party who had possessed it the year before, made him careful of investing any capital on so precarious a possession. The cattle, without stables, collected into folds by night, were protected from the attacks of the wolves by dogs scarcely less sagacious or more fierce than the shepherds who shared their hardships and rivalled their indefatigable activity. If we add to these circumstances the feeling of the age, which valued contempt of danger as the highest merit, and which ensured sympathy, if not respect, even on the part of the people, for the perpetrator of deeds of daring, it will not be found surprising that so excellent a school should have produced pupils who turned the lessons inculcated in early life to full account in years of manhood. Then came the political importance which the chiefs of robber-bands or briganti acquired as mercenaries in times of civil war, and in no period was there any lack of employment for their arms. From the days of the Conde di Miranda, who made a military expedition against Benedetto Mangone and Marco Sciarra, two noted *malandrini*, the latter of whom

entitled himself *il re della campagna*, down to those of Cardinal Fabrizio Ruffo and his British allies,—who in 1799 availed themselves of the services of Fra Diavolo, and loosed the malefactors from the prisons of Sicily to aid in the support of legitimacy, and to reconquer a kingdom for a scion of royalty who had fled from the field,—no pretext has been wanting to account for and excuse the appearance of these unwelcome public characters in the history of the nation.

The ascension of the throne by Charles III., of the house of Bourbon, in 1735, forms a luminous epoch in the gloomy series of events of which the kingdom of Naples has been the theatre. The reorganization of a respectable army, quarantine regulations, which freed the kingdom from the plague, the first labours at Herculaneum and Pompeii, but above all, a compilation of a code of laws suited to the necessities of the age, and the consequent revival of industry and the peaceful arts, are the monuments which he has left behind him, and to which the Neapolitans still point with admiration and gratitude.

This sovereign's attention was also particularly directed to the abuses of which the *tavoliere* was the origin. The unjust advantages accruing to the rich were abolished; the extortions of the officers were restrained; and as a better knowledge of the true resources of agriculture came to aid the good intentions of the government, a trial was made by his son of letting for a fixed term of years the ground which had previously been annually subject to a fresh distribution. It was intended to follow up this experiment by a full partition of these lands at a subsequent period, if the anticipated advantages proved to be realized by the change; but the troubles which the French revolution occasioned prevented the execution of the project by the reigning house, and it was reserved to be accomplished by another dynasty.

"The political agitation which unfortunately began about this period to convulse all Europe and which threw the affairs of this kingdom into the greatest disorder, turned the attention of the administration to matters of greater moment, and rendered the views of king Ferdinand respecting the Tavoliere abortive. In 1806 the continental portion of the kingdom of the Two Sicilies was invaded and taken possession of by Joseph Buonaparte; the ancient political and financial arrangements were overturned; and amongst other changes the system of the Tavoliere di Puglia was abolished.

The law of the 31st of May of that year declared the farms or *Masserie* held from the court to be heritable fiefs under the crown of those who were in possession of them, acknowledging further the *locati* as owners of those grounds which had been distributed to them for grazing, but charging them with a rent proportioned to the number of cattle declared in the last partition. The feudal services due from all descriptions of land under the ancient system were continued, but were, with the rents, declared redeemable at the option of the holder."

In this state things remained until the restoration of the royal family in 1815. The root of the evil having thus been struck at, the vigilance of the gendarmerie, instituted on the French plan, would no doubt have soon cleared the country of brigands, if the presence of the English troops in Sicily, and the success of the arms of the Allies in Spain, had not kept alive the hopes of the partizans of the absent house, and confirmed the clergy in their purpose of preaching counter-revolutionary principles. On the restoration, however, all interests seemed to be united, and nothing more to impede the tranquil regulation of the kingdom. The proclamations of king Ferdinand from Sicily promised the recognition of the laws and financial arrangements introduced by the French.

The Neapolitans, it is true, had had sufficient experience of the manner in which treaties were observed, even when guaranteed by powers who profess to consider public faith an useful instrument in diplomacy. But the most doleful prophet of evil on the present conjuncture could scarcely go the length of imagining the re-establishment of the *tavoliere di Puglia*. Yet so it was!

"The military occupation having been terminated by the events of 1815, and the royal dynasty of Bourbon being restored, king Ferdinand returned from Sicily, and by his proclamation of 20th May of that year guaranteed the sales of national property made during the preceding ten years. Other royal decrees of 28th February and 18th June recognised further the partition effected (in the Tavoliere) during the same period. Afterwards however, deafened by the clamour of the poor shepherds of the Abruzzi, who had been excluded from these partitions by the rich and powerful, and who were unwilling to abandon the vagrant style of life to which they had been accustomed, the king resolved upon an '*Atto sovrano*,' bearing date 13th January, 1817, by which the possessors of the fiefs were confirmed in them, but on the following conditions:—The rents and charges were declared *irredeemable*; the *Mezzana*, or lands which under the old system were not allowed to be tilled, were subjected anew to the original restrictions. Of the pasture-lands which had been divided, only one-fifth was

allowed to be broken up, and on the rest the system of the Tavoliere was re-established, as well as on the partitioned lands belonging to universities, hospitals, and other lay-foundations; further, on the lands of all communes, and those of all proprietors who owned more than 825 acres of pasture bordering on the Tavoliere, or whose possessions in that district, united with the lands owned by them in other parts of the kingdom, exceeded the amount thus prescribed. These last-named re-partitions were all annulled, as were also those which had fallen to persons who could be proved not to have owned cattle at the period of the re-partition or to have lost them since."

With all these lands, therefore, which were declared to have escheated to the crown, the *tavoliere* was restored with its ancient local privileges; its roads, its *riposi*, and the whole paraphernalia of the administration of Foggia. However gratifying it may have been to the good-natured monarch to comply with the vagabondizing inclinations of the shepherds of the Abruzzi, the nation seems to have viewed the matter in a different light; and the last extract furnishes us with the true motives which actuated the leaders of the rising of 1820, which ended so disastrously for the unhappy country. When to the wisdom and paternal care displayed in the re-establishment of this long-decried institution, we add the regard to justice shown in taking land from individuals, on which, in the course of ten years, large capitals had been expended, and the solicitous care of the interests of universities and hospitals recorded in the same proclamation, we may find some reason to wonder at the courage both of the government and of its allies! When we add to this the re-introduction of hosts of monks*, the restrictions on the press, and the prospects held out for the future by an arbitrary system of legislation, under which even property was not respected, we may find it comprehensible that a nation should make some efforts to rescue itself from so disgraceful a bondage.

The picture which we have endeavoured to give of the cultivation of great part of this lovely land will, however, sufficiently explain the reluctance of its inhabitants to enter into an unequal contest with strangers, especially with northern nations. An Italian hostile army would be more tractable,

* The clergy, nuns and monks together, according to the official publication of the *censimento*, amounted in 1836 to 47,106 in the "Dominio al di qua del Faro;" the population being at that period 5,781,036 souls.

as being of similar habits and having some sympathies in common with the Neapolitans; but those who recollected the devastation committed in Calabria by the troops of the Generals Stewart and Regnier, or who remembered the exploits of Macdonald, were to be excused for declining to expose to the tender mercies of an Austrian army treasures of which these sons of the North did not know the value. What value can a German or a Hungarian set upon olive-trees or vines, although the latter are, to a certain extent, cultivated by the more wealthy in both the above-named northern lands? They warm their fingers, boil their soup, dry their gaiters, as unconsciously at a fire in which the trunk of an olive crackles, as if it were fir or beech, and as if the land were the better for being cleared. The Carubba could not appear worth sparing to men who deem that hay and oats, eked out with straw, are the sole food digestible by horses. Now the very nature of the country exposed the low lands, with all the riches of the labouring classes, to the occupation of these respected visitors; whereas the mountains, with the forest and neglected tracts of the great proprietors, were what they would have had to defend at the expense of their blood, and that in a hopeless contest.

We cannot therefore wonder that they consented, although somewhat ingloriously, to purchase the old state of things at an expense of one hundred millions of ducats, paid by Messrs. Rothschild and Co. (after due deductions) under one shape or another to the restorers of public order: but it is to be regretted that this financial operation, by increasing the distress of the government, has saddled the nation more firmly than ever with the *Tavoliere di Puglia*, and all its attendant evils.

To this singular institution the kingdom is indebted for a third system of agriculture, called for this reason by M. Granata the Apulian System, and which is met within the three provinces of Capitanata, Terra di Bari, and Terra di Otranto. From the first foundation of the *tavoliere*, the owners of those lands from whom the government purchased the right of winter pasturage were obliged to adopt a rotation of crops intended to ensure the enjoyment of this right to the purchaser. Such lands were divided into five parts, of which one was every year under seed, and four remained under fal-

low or grass at the disposal of the *tavoliere.* The fifth, termed *Mezzana,* was never allowed to be broken up, and was destined to support the oxen used in cultivating the portion under the plough. Such a system, by preventing the farmer from collecting dung, in spite of the quantity of cattle kept, made it impossible for him to manure his land and keep it in heart. The quantity of corn produced diminished annually, and the complaints of scarcity grew so loud under the reign of Charles V. that this monarch ordered an allotment of lands in the plain itself to be made, which were to be let to stable farmers, and of which a portion was annually to be tilled. These new farms were termed *Masserie di Corte,* and a similar rotation of crops was prescribed for observance on these as prevailed in the Terre di Portata. Indeed, no other could well be followed in a country in which grazing was sanctioned and stall-feeding prohibited by law. And this is the state of things which the government hastened to re-establish after so much had been done to ameliorate the system!

Farms in Apulia are mostly on a very extensive scale, and are usually divided into three equal portions, one of which is under seed, the second fallow, and the third in what M. Granata terms a state of repose. On these two latter portions it would seem that the right of grazing is exercised by the *tavoliere.*

Thus a tract of country containing half a million of acres is doomed not only to partial sterility itself, but to be the cause of unproductiveness in all the adjacent provinces, from which it attracts the cattle, and in which it consequently prevents all accumulation of the means of giving fertility to the exhausted soil.

Our readers will not expect us to go into more minute details respecting a process whose operation it would be difficult, if not impossible, minutely to trace. The circumstances we have detailed will sufficiently explain why the continental part of the kingdom of Naples in an unpropitious year should not produce sufficient corn for the wants of the inhabitants. We cannot however abstain from drawing the attention of our readers to some statistical facts contained in the works we are considering, as they place the statements we have been led to make in the fullest light.

The author of the *Saggio Politico*, whose task as champion of the present minister is to represent matters under the most favourable aspect, estimates the superficies of the kingdom as follows:

	Acres.
Total area of the kingdom . .	20,000,000
One-fifth deducted for towns, villages, roads, water and parts impossible to cultivate . . .	4,000,000
	16,000,000
Forests	2,365,000
	13,635,000

Of this superficies, nearly twelve millions of acres are found by the returns of the land-tax to be actually cultivated; and as the population, according to official reports, in 1836 was 5,781,036,—from what we have said of the nature of the soil and of the climate, this extent of land ought with proper management to suffice not only for their support, but yield a considerable surplus. In the present state of things the periodical wanderings of the cattle not only deprive the farmer of manure, but dispose him to adapt his stock to the prevalent system by preferring sheep, which are most easily managed at a distance and which require no dairy establishment. A report on the agriculture of the kingdom, read to the society of "*Incoraggiomento*" at Naples in 1835, states the number of cattle in the continental part to be approximatively

Oxen and cows	300,000
Buffaloes	40,000
Horses	60,000
Mules and asses	600,000
Goats	600,000
Sheep (circa)	4,000,000

Let us compare this state of things with Lombardy, which, on little more than half the surface, contains 400,000 head of horned cattle and 330,620 horses, all stall-fed; or with Bavaria, which, on a smaller area than Naples, is said to contain

the astonishing number of 2,350,386* cows and oxen and 330,000 horses; and the cause of the scarcity of corn at Naples, when the season is unfavourable, will be sufficiently apparent. We are aware that other highly favoured districts of Europe present at the present moment a similar picture of an immense proportion of sheep, where horned cattle would be a far more advantageous stock. This is the case in Hungary, Podolia, Volhynia, and the principalities of Moldavia and Wallachia. In these countries, however, the British corn and navigation laws have more influence on the agricultural system than the internal regulations of the vast empires of which these fertile tracts form a portion. The governments of Austria, Russia and Turkey are happily not so far advanced in the science of modern legislation as to prescribe rotations of crops to their subjects, and they leave them full liberty to adapt their system of tillage to the whims of the wealthy islanders who are able to pay for their produce. If we then prefer taking wool, which we could very well grow at home, from distant lands, and choose to force our reluctant soil to produce, when aided by the refinements of art, what Hungary and Podolia yield with much less trouble (in Hungary the dung of the cattle is thrown into the Theis); this is a matter of taste, and things will find their natural level as soon as the rivalry of other nations in trade and commerce shall oblige us to husband with more care our sources of wealth. In the kingdom of the Two Sicilies it is clear that matters stand otherwise.

But the deficient crop in the continental part of that kingdom has been aggravated this year by the unusual demand of supplies of corn made by the Sicilians. Sicily in want of corn!! Where are we to seek an explanation of this unnatural state of things? As we cannot pretend to enjoy the

* Prince Wallerstein's speech to the Chambers in 1837. In the same official statement, the annual quantity of corn produced in Bavaria is estimated at 7,700,000 qrs. of all descriptions, with an equal quantity of potatoes. A statement in the report above quoted of the produce of the "*Dominio al di qua del Faro*," or the continental part of the kingdom of Naples, estimates the corn produced on a full year's average at 42,000,000 tomoli, or about 8,400,000 qrs. The amount of potatoes is not stated. A private estimate with which we have been favoured, calculates the crop of 1837 at twenty-nine millions of tomoli of grain of all descriptions.

confidence either of Lord Bentinck or of Prince Metternich, the two men in whose hands Providence in the present century laid the destinies of that lovely island, we shall make no attempt to unravel the enigma. But as we have seen the feudal system of landed tenures, even under the modified forms in which they were left by the French, condemn to desolation, if not to sterility, so large a tract as the Campagna di Roma, and reduce to a pestilential desert one of the most favourably situated portions of Europe, we can form to ourselves some idea of what the effect of these institutions must be in a country in which British bayonets and British opinions preserved them in all the vigour of the eighteenth century. After all the suffering which the continental part of the kingdom endured from the conflicts of which it was the theatre during the French rule, yet its inhabitants were roused and shaken even by those very conflicts to independent reflection and exertion. Sicily, protected and kept down by an overwhelming force, was left by the British troops something in the state in which our own island was abandoned by the Romans, enfeebled by luxury and enervated by indolent prosperity. The Prince Regent however, more considerate than Honorius, bequeathed, on his releasing the Sicilians from his sway, the shadow of a constitution, which not having grown out of an independent examination of their wants, the people neither understood nor defended when it was attacked.

The numerous publications which daily issue from the press at Naples, almost exclusively treating upon subjects connected with the agricultural, manufacturing and commercial interests, or the progress of science and literature within the kingdom, testify sufficiently to the intelligence and talent now astir in the south of Italy, and promise fair for its future developement. Two literary and scientific journals, the "*Progresso*" and the "*Annali Civili del Regno,*" to which we may add the "*Lucifero,*" would do credit to any capital in Europe, both for the judicious choice of the subjects discussed and for the talent and enlightened views displayed in the treatment of them. If the work of M. Granata be admitted as a proof that the theoretical part of agriculture is as well understood by the enlightened classes of Naples as in any other part of Europe, the various articles on legislation, political economy,

jurisprudence and education emanating from the pens of Messrs. Augustini, Blanch, de Cesare, Tenore, Catalano, Liberatore, de Ulloa, de Riviera and others, must sufficiently evince the ability of the educated class of Neapolitans to judge of and control the measures of their government. That some of these measures, intimately connected with the subject we have been discussing, should have been proposed and carried into execution in the face of such a mass of knowledge and talent as is to be found at Naples, as late as in the present year, is a melancholy illustration of the effects of foreign interventions in support of favourite political doctrines.

The crop of 1837 having been considered satisfactory under the circumstance of the extensive stock of grain on hand, the permission to export corn was not only renewed for 1838, but the additional encouragement of allowing foreign ships to load on the same terms with those of the country was expressly continued. Under the sanction of this authorization large contracts were entered into by mercantile houses with England, especially during the autumn, when the deficiency of the crop in Great Britain became apparent, when the Neapolitan government, without waiting for the close of the year, alarmed at an advance in prices, suddenly prohibited the exportation of grain. By dint of great exertion and as a mark of personal consideration for the merchants concerned, the king was induced to allow some of the vessels already loaded to depart. For the remainder, as the natural effect of the measure was a fall in prices, the parties interested were advised to sue the government for compensation. This was however a matter of dubious advantage.

It must be remembered, that all this while Trieste and Odessa were exporting freely, and that either of those ports could at a moment's warning have supplied a larger quantity of corn than was required to make up the contracts, or supply any deficiency that might be found at Naples. This arbitrary interference on the part of government in a manner so paralyzing to commercial speculation, was consequently not justified by any urgent necessity. What followed was worse.

The increased demand from Sicily having again raised the Neapolitan markets, the landowners were beginning to recover from the panic which this measure had spread, and the

probable result of the encouragement to raise corn would have been the extension of the spring-sowing beyond its usual limits, and a consequent increase of the produce of grain, when a fresh enactment in March, 1839, once more paralyzed all parties. A bounty on this importation of foreign corn was proclaimed by the government, *without allowing freedom of exportation.* As a natural consequence, little speculative energy was shown by the merchants, and in the spring vessels were despatched by the ministry to Odessa to load corn purchased on government account.

What, we may ask, must be the interpretation put on the object of the government, by both the agricultural and commercial classes, on seeing their interests trifled with so wantonly? Can any one wonder at these measures being attributed to private views of interest in the ministers? We are far from wishing to insinuate that such was the case; but this reason was publicly assigned by many who were personally indisposed towards the originators of these measures, and such assertions can excite no surprise.

The manner and degree in which we became interested in these transactions we have stated at the commencement. Our aim, besides that of attracting attention to a portion of Europe well deserving of a deeper study, has been to show that under a reasonable government in an enlightened age it would be unwise to calculate on any lack of supplies from those parts of Europe on which nature has showered her bounties with a lavish hand. To encourage the spread of enlightened ideas should therefore be the task, as it is certainly the interest, of all civilized states; and pains ought to be taken to induce neighbouring governments to open their ears to the voice of reason. Commercial treaties, by interweaving in plans of mutual advantage the interests of large classes of the inhabitants of different countries, are the surest guarantees of peace and of the progress inseparable from peaceful emulation. Viewed in this light, the late treaty with Austria must be valued far above the trophies of Waterloo or Blenheim; and we trust that the direction which the politics of Europe receive from its conclusion will be more directly and more extensively beneficial to mankind than that imposed by either of the above-named victories.

The basis of all commercial treaties is, however, the true interest of all the contracting parties; and that the people themselves are possibly the best judges of their own interests, is a truth which it may be useful to bear in mind during future conferences at Laibach, Verona, or Frankfort on the Maine.

Article V.

Confessions of a Thug. By Captain Meadows Taylor, in the Service of H. H. the Nizam. 3 vols. Bentley. 1839.

It may be asserted with truth, that the impulses and influences which exercise an universal sway over the subjects of human interest and the objects of human action, are those which men are least willing to acknowledge, or least able to account for by rational inquiry into the principles of their nature. If a being of some higher order were to descend to become a spectator of the order of the world, he might suppose that all the energies with which man is gifted were destined to the one sole end of Pursuit. From the savage to the statesman, from the child to the assassin,—whether it be the game which is to satisfy the commonest craving of nature, or the province which is to crown the security of an empire—whether we chase a butterfly over the meadows, or dog a victim to the door which he will never enter, the same moral sentiment predominates in the life of man. In part, indeed, the object gained—the necessity of food, the allurement of booty—undoubtedly attracts the hunter or arms the robber; but the passion neither decreases from satiety, nor declines from the real insignificance of the object. The act which gratifies it adds fresh intensity to the desire of gratifying it more. The exercise of skill, the mastery acquired over dangerous chances, the gradual and calculated conquest of certain obstacles, the hope of uses to be made of the object won, the throbbing moment which precedes the seizure of the prize, be it an insect or a crown,—these are common to every variety of action to which the passion of pursuit urges mankind.

Virtuous men attempt to hush the universal passion in their breasts, by surveying the inconsistency of human wishes, the futility of our objects, and the unscrupulous or revolting character of the means we use. But happily none succeed in freezing the source from which the living principle of human actions, whether virtuous or vicious, is for ever springing. The pursuit of the objects of benevolence is, we trust, not less ardent than the impetuosity of the calls of ambition; and the patriot who defends the border of his native land is animated by a more potent and a nobler rage than that which directs the inroad of his foe. We do not overlook the broad division which exists between these objects—a distinction as broad as that which separates heroism from guilt, or love from hatred. But if the state of excitement, into which the actor is thrown by each and all of the various incidents of pursuit, be examined and judged without reference to the motives or the ulterior objects of his actions, we are strongly inclined to believe that a moment of the sublimest enthusiasm in the holiest cause presents many striking analogies with an equally strong paroxysm of vicious passion. The very senses appear in either case to obey a similar influence:—they are braced with a rush of life which gives vigour to the limbs, accompanied by a comparative insensibility to physical pain; and which carries a man unflinching and unpitying through scenes of havoc and blood, from which his nature in calmer hours would utterly revolt. The fit once on a man, there is a ferocity in virtue itself: and although this feeling, in regulated and civilized minds, may not induce men to commit actions they would otherwise abhor, it undoubtedly urges the vast majority of men to do things which they do not dispassionately approve.

To take the passion of pursuit, for instance, in that innocent form which it commonly assumes among country gentlemen; nobody imagines that they take any pleasure in the actual slaughter of game, or that they go out shooting solely for the supply of their tables; nor do we see them displaying their exuberant horsemanship in the summer-months by charging stone-walls and five-barred gates. Yet few massacres which now occur can exceed the carnage of a battue; and no one breaks his neck with less hesitation than a Leicestershire squire between the beginning of November and the end of

March. With them the passion of pursuit takes the name of sport. When gallant officers—humane and educated men—charge the enemy at the head of their regiments, it is called military heroism. When a statesman sees the approach of that crisis which is to place within his grasp the fruit of years of political contrivance, and lingers dying in the cabinet, or harangues like Chatham on his crutch, it is called the love of power. And, if we may venture to bring things so dissimilar into the comparison, when the Dick Turpin or Bill Sykes of real life are plunged in the execution of some hazardous but well-combined expedition, they are animated in no slight degree by the same passion of pursuit, which assumes in their coarser natures the hideous aspect of crime.

If we needed any proof of the universal nature of the principle, we should find it in the involuntary sympathy with which all these various forms of it are received by the world. A great many excellent people condemn fox-hunting as cruel, war as unchristian, and political ambition as a devotion of man's noblest powers to over-worldly purposes. All men agree—even those who perpetrate them—in condemning and abhorring crimes. But these opinions, however just and reasonable they may be, however defensible by sound argument, however conformable to the purest parts of our nature, are put to flight by the experience of every day. The hunting-horn and wild movement of the chase may disturb the country curate in the midst of an excellent passage on meekness and gentleness of spirit, and may make his innocent heart swell with an excitement not very unlike that which the gallant hound feels at the moment. The news of a victory will be hailed with bonfires in every village, without heeding the cost of a battle, the tears of mourners, or the immorality of a wrongful cause. And the records of crime itself, the darkest manifestation of the strange and fierce sentiment we have been describing, have an indisputable hold on the imaginations even of men who have never broken a commandment. We detest the offence, but we are interested in the details of its commission; and not unfrequently the public sympathy hails with a sort of incoherent satisfaction the escape of a delinquent from the doom which he has obviously merited. There is much that is morbid and impure in the taste which seeks for

such things; but there is also much that we can pardon and excuse for the sake of the affinity we have attempted to point out. The spirit of adventure which has been awakened by the tale of praiseworthy achievements, sometimes deifies its hero and sometimes destroys its victim. But if the worst crimes of men are often less severely judged than their faults, we would attribute the feeling which unconsciously palliates the former, to a half-revealed sense of kindred elements in the breast of the judge.

It may be difficult to extend these ideas rigorously to all the varieties of motive and of action which operate in real life, but we may discover the same principle much more plainly in the domain of literature, and more particularly of literary fiction. The drama is the highest manifestation in a poetic form of the great passion, striving in endless contest to attain its various ends. It is the human will struggling with the eternal obstacles of Fate, surmounting them by boldness or by skill, conquered by the evils which it cannot subdue or the good which it cannot mar; but invariably binding the emotions of mankind upon its wheel of fire. The seat of tragedy is in the individual heart of man. There is something in the frenzied vengeance of Orestes, in the awful search of Œdipus, in the tremendous complaint of Prometheus, which finds a response in ourselves, who are as far removed from such times and such spirits as Olympus from the Thames. We have nothing in common with a matricide, a parricide, or a rival of the Pagan Gods; but the principle of action living in their bosoms was human, and is ours. By the same dark thread of sympathy in human action the crimes of the worst ages have been linked to the heroism of the best times. They have been dignified, and in many cases dangerously dignified, by the emotions they have aroused; and such is the force of tradition and of excitement, that we even exult in the record of deeds which would fill us with horror if they happened in our time.

Wherever the exception occurs it tends to strengthen our theory. The public turn with utter disgust from cold-blooded, unnatural crimes. There are offences in which the energy of action is so miserably estranged even from the animal instincts, or damped by the cold sordidness of the object,

that the public voice calls only for vengeance on the guilty. It is a common remark, that the difficulty of obtaining a verdict from a jury is materially increased by the skill or intrepidity evinced by the prisoner. That difficulty does not exist where there has been no passion and no motive, but such as are below humanity, to suggest the offence.

These reflections have been naturally suggested to us by the 'Confessions and Adventures of a Thug.' We could not refrain from some self-searching and inquiry as to that strange structure of the mind, which can attach our interest and our sympathies to a book on such a subject. We are unconscious of the smallest propensity to Thuggee, and, unless it be on the literary offspring of a few scribblers of the day, we have never passed the fatal kerchief round a living neck. We have never eaten the Goor—nor have we the smallest acquaintance with the mystic rites of Bhowanee. Thus far conscience acquits the inquirer. But the fact of the strong and fascinating power of these volumes over us must remain unexplained, unless we admit some latent sympathy with the adroitness which the hero displays for so execrable a purpose, or the courage and energy he abuses in a system of wholesale murder.

However incredible the facts connected with the organized system of the Thugs appeared to the British public some years ago, (and they were hardly believed by the officers resident in India, whose experience was versed in all the stratagems of Indian crime, and all the horrors of Indian superstition,) those facts are now so well authenticated by judicial inquiry, that it would be superfluous to revert to the evidence produced on former occasions. As early as 1816 a paper was written by Dr. Sherwood on the subject, in one of the Madras Journals, which is said to be perfectly correct in its description of the practice and ceremonies of the Thugs of Southern India; but the matter was not brought under the cognizance of judicial officers till 1830. Many Thugs were tried and executed at various times as ordinary murderers, but no blow was aimed at the system until the disclosures of Feringhea, and the active investigations of Colonel Sleeman in 1830.

"Thuggee was found to be in active practice all over India. The knowledge of its existence was at first confined to the central pro-

vinces; but as men were apprehended from a distance, they gave information of others beyond them in the almost daily commission of murder: the circle gradually widened till it spread over the whole continent—and from the foot of the Himalayas to Cape Comorin, from Cutch to Assam, there was hardly a province in the whole of India where Thuggee had not been practised—where the statements of the informers were not confirmed by the disinterment of the dead!

"Few who were in India at that period (1831-32,) will ever forget the excitement which the discovery occasioned in every part of the country: it was utterly discredited by the magistrates of many districts, who could not be brought to believe that this silently destructive system could have worked without their knowledge. I quote the following passage from Colonel Sleeman's introduction to his own most curious and able work.

"'While I was in civil charge of the district of Nursingpoor, in the valley of the Nerbudda, in the years 1822, 1823, and 1824, no ordinary robbery or theft could be committed without my becoming acquainted with it, nor was there a robber or thief of the ordinary kind in the district, with whose character I had not become acquainted in the discharge of my duty as a magistrate; and if any man had then told me that a gang of assassins by profession resided in the village of Kundélee, not four hundred yards from my court, and that the extensive groves of the village of Mundésur, only one stage from me on the road to Saugor and Bhopal, was one of the greatest bhils, or places of murder, in all India; that large gangs from Hindostan and the Dukhun used to rendezvous in these groves, remain in them for days together every year, and carry on their dreadful trade all along the lines of road that pass by and branch off from them, with the knowledge and connivance of the two landholders by whose ancestors these groves had been planted, I should have thought him a fool or a madman, and yet nothing could have been more true; the bodies of a *hundred travellers* lie buried in and among the groves of Mundésur, and a gang of assassins lived in and about the village of Kundélee, while I was magistrate of the district, and extended their depredations to the cities of Poona and Hyderabad.'

"Similar to the preceding, as showing the daring character of the Thuggee operations, was the fact, that at the cantonment of Hingolee, the leader of the Thugs of that district, Hurree Singh, was a respectable merchant of the place, one with whom I myself, in common with many others, have had dealings. On one occasion he applied to the officer in civil charge of the district, Captain Reynolds, for a pass to bring some *cloths* from Bombay, which he knew were on their way accompanied by their owner, a merchant of a town not far from Hingolee: he murdered this person, his attendants, and cattle-drivers, brought the merchandize up to Hingolee under the pass he had obtained, and sold it openly on the cantonment; nor would this have ever been discovered, had he not confessed it after his apprehension, and gloried in it as a good joke. By this man too and his gang many persons were murdered *in the very bazar of the cantonment*, within one hundred yards of the main guard, and were buried hardly five hundred

yards from the line of sentries! I was myself present at the opening of several of these unblessed graves, (each containing several bodies,) which were pointed out by the approvers, one by one, in the coolest manner, to those who were assembled, till we were sickened and gave up further search in disgust. The place was the dry channel of a small water-course, communicating with the river, not broader or deeper than a ditch; it was close to the road to a neighbouring village, one of the main outlets from the cantonment to the country."—*Confessions of a Thug, Vol.* i. pp. xv.—xviii.

From that time active steps were taken by the direction of Lord William Bentinck.

"The success of these measures will be more evident from the following table, which was kindly supplied to me by Captain Reynolds, the general-superintendent of the department.

"From 1831 to 1837, inclusive, there were

Transported to Penang, &c.	1059
Hanged	412
Imprisoned for life with hard labour	87
Imprisoned in default of security	21
Imprisoned for various periods	69
Released after trial	32
Escaped from jail	11
Died in jail	36
	1727
Made approvers	483
Convicted but not sentenced	120
In jail in various parts not yet tried	936
	3266"

Vol. i. p. xx.

The evidence collected from the approvers, some of which has been published, though a great deal more has been derived from a personal knowledge of several of the principal criminals, furnished Captain Taylor with the materials of this novel. We believe that implicit credit may be given to all the incidents which have been introduced. Indeed, from what is known and recorded in the judicial proceedings, the skill of an author treating such a subject was not to be displayed by the exercise of his invention, so much as by the taste, style and judgment which were required to impart a powerful and attractive interest to matters so repulsive to our notions. In these respects we think Captain Taylor has been extremely successful. His style is exceedingly graphic; and without ever becoming turgid, he has thrown over the scene the brilliancy

of the Eastern clime and the splendour of Eastern life. The conversations of his personages are lively and real: they may perhaps be blamed for occasional prolixity, but they have always that genuine flow of minute narrative and that primitive adherence to the talk of actual life in the East, which remind us of a thousand pleasant associations from the Arabian Nights to Hajji Baba. The costume of the *dramatis personæ* is complete without being elaborate; and the picture of the manners and ideas of the mass of the native population of India is, we are inclined to believe, more correct, as it is certainly more amusing, than any other which has fallen in our way. It places before us an excellent view of the internal structure of that immense hive of men, in the ordinary relations of life. The humorous and the terrible parts of the story are relieved by very simple touches of pathos and natural feeling; whilst the materials from which the adventures of the hero are wrought, are well united by the strong features of individual character, and by the vague fatality which overhangs his career.

Ameer Ali, whose confessions fill these volumes, was one of the approvers or informers who were sent to the Nizam's territories from Saugor in 1832, when Captain Taylor became acquainted with him, and had occasion to hear his frightful disclosures from his own lips. It is not to be supposed that all the adventures which he relates were actually achieved by himself; and some license of romance has been probably used to make him the hero of the book. Nor can we entirely believe that a man who had led such a life, would look back upon it with the keen sense of its guilt which occasionally seizes Ameer Ali. In these respects Captain Taylor appears to have thought rather more of his English readers than his Thug. But, making the proper allowance for a different state of society, it is probably no exaggeration to describe a Thug as an esteemed and respectable merchant, whose secret crimes are successfully concealed from his nearest connexions, or as a man whose adventurous spirit may make him successful in love and distinguished in war. To reconcile the reader with the horrors of Thuggee, the author has adroitly contrasted them with incidents, equally characteristic of Indian manners, but deriving their interest from a different source. The pas-

sions of the future Thug are roused, and his courage displayed for the first time, in the terrible sport of the tiger-hunt. The execution of a thief by the hands of the Mangs or common hangman, gives, by the comparison, a sort of romantic charm to Thuggee strangling; and the horrors of a Pindharee campaign, which Ameer Ali is induced to join as a Jemadar or military officer, and which revolts even his hardened heart by its long train of torture and devastation, deceive the reader, by a judicious use of the resources of fiction, into a comparative acquiescence in the crimes of an assassin.

But the real cause of such tolerance as we are inclined to bestow upon this murderous hero is attributable to the cause which we pointed out in our opening remarks. The passion of pursuit makes it possible that men should become Thugs, even whilst they retain human ties and affections in the other relations of life; and our sympathy with the passion, without reference to its actual object, makes us read of these things, repugnant to our nature, without shutting the book. To any one who agrees with us in ascribing to human nature the general propensity to brave hazards, to conquer difficulties, and to persevere in the pursuit of objects, whether they be wise, worthless, or wicked, the mystery of Thuggee itself will not be wholly insoluble. It is the chase of men. It is a game played with lives for stakes, in which the address of cunning and fraud is united to that of open skill and boldness. When once a traveller has been designated as bunij or a victim by the whimsical omens of the Goddess and by the cupidity of her votaries, nothing can save him from their hands. The part of a Sotha or inveigler requires the greatest tact and powers of dissimulation, endless disguises, and a polite demeanour. In this character the Thug entices the travelling merchant to claim his false protection, to share his tents, and to throw off all precaution—till the fatal or suitable moment arrives; the signal is given, the roomal is round his throat; he dies; and such is the alacrity of the Lughaees or buriers, that in two minutes he is interred! If it be necessary, the Thug will track bunij from Delhi to Cape Comorin, until he hold him in his power, without suspicion and without resistance. Nothing will throw him off the scent but the sight of a hare, the bark of a jackal, or some equally unequivocal signal of the dis-

pleasure of his Goddess. In these pursuits, which sometimes last for weeks, in the preparation, in the subsequent concealment of the act, in the perpetual concealment of character, we can readily conceive many of the wildest and worst passions of man to be kept in constant excitement: and we learn how the energies of beings born for better tasks impel them to perpetrate, with the ardour of superstition and avarice, the most horrid acts of guilt. In this feeling all the powers of Ameer Ali are concentrated; in these atrocities all his nobler powers are absorbed. But it is time we should allow him to speak for himself. We extract his account of his first adventure:

"The Khayet came into our camp, as he had said, by sunset, and was met at the confines of it by my father, and the two other jemadars. The respectability of his appearance struck me forcibly; he was evidently a man of polished manners, and had seen courts and good society. After arranging his travelling cart to sleep in, by placing some tent walls around it for protection to his women, he and his son, an intelligent, handsome-looking youth, came to the spot where my father and the other leaders had spread their carpets; and many of the band being assembled, there ensued a general conversation.

"Who could have told, Sahib, the intentions of those by whom he was surrounded! To me it was wonderful. I knew he was to die that night, for that had been determined when he arrived in our camp, and while he was arranging his sleeping-place. I knew too that a spot had been fixed on for his grave, and that of those with him; for I had accompanied my father to it, and saw that it was begun; and yet there sat my father, and Hoosein, and Ghous Khan, and many others. The pipe and the story passed round, and the old man was delighted at the company he had fallen into.

"'I thank you,' said he to Bhudrinath, 'that you brought me out of that unsainted village; truly here is some enjoyment in the society of gentlemen, who have seen the world: there I should have been in perpetual dread of robbers, and should not have slept a wink all night, while here I need not even to be watchful, since I am assured by the Khan Sahib,' pointing to my father, 'that I shall be well taken care of.'

"'Ay!' growled out in a whisper an old Thug who sat behind me, 'he will be well taken care of sure enough, I will see to that.'

"'How?' said I.

"He gave the sign, by which I knew him to be one of the Bhuttotes or stranglers who had been selected.

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"And he went round and seated himself just behind the old man, who turned about as though he were intruded upon.

"'Sit still, sit still,' said my father; 'it is only a companion: in an

open camp like this every one is privileged to hear the conversation of the evening mujlis, and we usually find some one among us who can enliven the evening with a tale, until it is time to rest for the night.'

"So the old Thug sat still: I could see him playing with his fatal weapon, the handkerchief, now pulling it through one hand and now through the other; and I gazed on the group till my brain reeled again with excitement, with intense agony I might call it with more truth. There sat the old man: beside him his noble-looking boy: behind him their destroyers, only awaiting the signal; and the old man looked so unconscious of danger, was so entirely put off his guard and led into conversation by the mild, bland manners of my father, that what could he have suspected? That he was in the hands of those from whom he was to meet his death? Ah, no! And as I gazed and gazed, how I longed to scream out to him to fly! had I not known that my own death would have followed instantaneously, I had done it. Yet it would have been of no use. I turned away my eyes from them; but they returned to the same place involuntarily. Every movement of the men behind seemed the prelude to the fatal ending. At last I could bear the intensity of my feelings no longer: I got up, and was hurrying away, when my father followed me.

"'Where are you going?' said he; 'I insist on your staying here; this is your initiation; you must see it, and go through with the whole.'

"'I shall return directly,' said I: 'I go but a pace or two; I am sick.'

"'Faint-hearted!' said he in a low tone: 'see you do not stay long; this farce must soon end.'

"A turn or two apart from the assembly restored me again, and I returned and took up my former place, exactly opposite the old man and his son. Ya Alla! Sahib, even now I think they are *there*, (and the Thug pointed with his finger) father and son; and the son's large eyes are looking into mine, as my gaze is riveted on them."

Ameer Ali looked indeed as though he saw them, and stared wildly, but passing his hands across his eyes, he resumed.

"Taajoob! said he, wonderful! I could have sworn they both looked at me; but I am growing old and foolish. Well, Sahib, as I said, I gazed and gazed at them, so that I wonder even now they saw nothing extraordinary in it, and did not remark it. But no: the old man continued a relation of some treaties the Nagpoor Rajah was forming with the English, and was blaming him for entering into any league with them against his brethren, when my father called out 'Tumbako lao (bring tobacco)!' It was the signal! quicker than thought the Thug had thrown his handkerchief round the neck of the old man, another one his round that of the son, and in an instant they were on their backs struggling in the agonies of death. Not a sound escaped them but an indistinct gurgling in their throats; and as the Bhuttotes quitted their fatal hold, after a few moments, others who had been waiting for the purpose, took up the bodies and bore them away to the already prepared grave.

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"'Now for the rest,' cried my father in a low tone: 'some of you rush

on the servants; see that no noise is made; the bullock-driver and others can be dealt with easily.'

"Some of the men ran to the place the khayet had chosen, and surrounded the unsuspecting cart-driver and the other servants, who were cooking under a tree. I saw and heard a scuffle, but they also were all dead ere they could cry out.

"'Come!' said my father and Hoosein taking me by the arms and hurrying me along, 'come and see how they are disposed of.'

"I went, or rather was dragged along to one side of our encampment, where there was a ravine some feet deep, in the bottom of which a hole had been dug, and by the side of which eight bodies were lying. The father and son, his two wives, the bullock-driver, two male servants, and an old woman; also a servant, who was in the inclosure with the women. The bodies were nearly naked, and presented a ghastly spectacle, as they lay in a confused heap, but just visible from the brink of the ravine.

"'Are they all here?' asked my father.

"'Yes, Khodawund,' said one of the Lughaees, whom I knew.

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"Sahib, can I describe to you how I passed that night! Do what I would, the father and son appeared before me; the old man's voice rung in my ears, and the son's large eyes seemed to be fixed on mine. I felt as though a thousand shitans sat on my breast, and sleep would not come to my eyes. It appeared so cold-blooded, so unprovoked a deed, that I could not reconcile myself in any way to have become even a silent spectator of it. Yet my father had joined in it, my father whom I loved intensely, and Hoosein too. But all would not do; I could not tranquilize myself. I crept from beneath our little tent, and sat down in the open air. The moon shone brightly as ever, as now and then she emerged from beneath a passing cloud, and there was a cool breeze which fanned my burning face and soothed me. I watched her as she appeared to travel along in the heavens, till she became overcast; and a few heavy drops of rain, as if she wept over the deed she had witnessed, drove me again under the tent. I crept close to my father, who was sound asleep, and embracing him with my arms, sleep came to my eyelids, and I woke not till the usual hour of prayer arrived, when I was roused by my father to join in the morning supplication."—*Vol.* i. pp. 80—88.

It is impossible to follow the hero through the long and varied career of adventures to which this frightful night opened the way. These Confessions are not written up to some great catastrophe, which explodes in the latter half of the third volume, after the most approved fashion of modern novels. They are strung together like the adventures of Gil Blas or one of Defoe's heroes, taking us through all the varied scenes of Indian life, into which a bold bad man, with Thuggee for his chief object, might readily penetrate. Our limits of course

forbid us to follow him in this career: and our next extract is intended to give a specimen of the singular power of description evinced by the author, which brings before us the high festival of the Mohorum in Hyderabad, with all the pomp and grandeur of one of the feverish but splendid visions of Maturin.

"Zenat's exclamation drew us to the window. 'Quick!' she said; 'look out, or you will lose the sight; they are now even passing the Char Minar.'

"We did look out, and the sight was indeed magnificent. A crowd of some hundreds of people were escorting a Punjah, that holy symbol of our faith; most of them were armed, and their naked weapons gleamed brightly in the light of numberless torches, which were elevated on lofty bamboos; others bore aftab-geers, made of silver and gold tinsel, with deep fringes of the same, which glittered and sparkled as they were waved to and fro by the movements of those who carried them. But the object the most striking of all was the Char Minar itself, as the procession passed under it; the light of the torches illuminated it from top to bottom, and my gaze was riveted, as though it had suddenly and startingly sprung into existence.

"The procession passed on, and all once more relapsed into gloom; the Char Minar was no longer visible to the eye, dazzled as it had been by the lights; but as it became more accustomed to the darkness, the building gradually revealed itself, dim and shadowy; its huge white surface looking like a spectre, or I could fancy like one of the mysterious inhabitants of the air, whom, we are told, Suleeman-ibn-Daood and other sages had under their command, and were thus enabled to describe. Again, as we gazed, another procession would pass, and a sudden flash as of lightning would cause the same effect; interior and exterior of the edifice were as bright, far brighter they seemed, than at noonday.

"I was enraptured. Zenat had left us to ourselves, and we sat, my arm around my beloved, while she nestled close to me, and we murmured to each other those vows of love which hearts like ours could alone frame and give utterance to.

"Long did we sit thus—Sahib, I know not how long—the hours fled like moments.

"'Look!' cried Zora, 'look at that mighty gathering in the streets below us; they are now lighting the torches, and the procession of the Nāl Sahib will presently come forth.'

"I had not observed it, though I had heard the hum of voices; the gloom of the street had hitherto prevented my distinguishing anything; but as torch after torch was lighted and raised aloft on immense poles, the sea of human heads revealed itself. There were thousands. The street was so packed from side to side, that to move was impossible; the mass was closely wedged together, and we waited impatiently for the time when it should be put in motion, to make the tour of the city.

"One by one the processions we had seen pass before us ranged themselves in front; and as they joined together, who can describe the splendour of the effect of the thousands of torches, the thousands of aftab-geers, of flags and pennons of all descriptions, the hundreds of elephants, gaily caparisoned, bearing on their backs their noble owners, clad in the richest apparel, attended by their armed retainers and spearmen, some stationary, others moving to and fro, amidst the vast mass of human beings!

"One elephant in particular I remarked,—a noble animal, bearing a large silver umbara, in which sat four boys, doubtless the sons of some nobleman from the number of attendants which surrounded them. The animal was evidently much excited, whether by the noise, the lights, and the crowd, or whether he was *must*, I cannot say; but the Mahout seemed to have great difficulty in keeping him quiet, and often dug his ankoos into the brute's head with great force, which made him lift his trunk into the air and bellow with pain. I saw the Mahout was enraged, and, from the gestures of some of the persons near, could guess that they were advising him to be gentle; but the animal became more restive, and I feared there would be some accident, as the Mahout only punished him the more severely. At last, by some unlucky chance, the blazing part of a torch fell from the pole upon which it was raised on the elephant's back; he screamed out with the sudden pain, and raising his trunk rushed into the crowd.

"Ya Alla what a sight it was! Hundreds, as they vainly endeavoured to get out of the way, only wedged themselves closer together; shrieks and screams rent the air; but the most fearful sight was, when the maddened beast, unable to make his way through the press, seized on an unfortunate wretch by the waist with his trunk, and whirling him high in the air dashed him against the ground, and then kneeling down crushed him to a mummy with his tusks. Involuntarily I turned away my head; the sight was sickening, and it was just under me.

"When I looked again, the brute, apparently satisfied, was standing quietly, and immediately afterwards was driven away; the body of the unfortunate man was carried off and deposited in a neighbouring shop; and all again became quiet.

"All at once the multitude broke out into deafening shouts of 'Hassan! Hoosein! Deen! Deen!' the hoarse roar of which was mingled with the beating of immense nagaras*. The sound was deafening, yet most impressive. The multitude became agitated; every face was at once turned towards the portal from which the sacred relic was about to issue, and it came forth in another instant amidst the sudden blaze of a thousand blue lights. I turned my eye to the Char Minar. If it had looked brilliant by the torch-light, how much more so did it now! The pale sulphureous glare caused its white surface to glitter like silver; high in the air the white minarets gleamed with intense brightness; and, as it stood out against the deep blue of the sky, it seemed to be a sudden creation of the genii—so grand, so unearthly,—while the numberless torches, overpowered by the

* Large drums.

superior brightness of the fireworks, gave a dim and lurid light through their smoke, which, as there was not a breath of wind, hung over them.

"All at once a numberless flight of rockets from the top of the Char Minar sprung hissing into the sky, and at an immense height, far above the tops of the minarets, burst almost simultaneously, and descended in a shower of brilliant blue balls. There was a breathless silence for a moment, as every eye was upturned to watch their descent, for the effect was overpowering. But again the shouts arose, the multitude swayed to and fro like the waves of a troubled sea; every one turned towards the Char Minar, and in a few instants the living mass was in motion.

"It moved slowly at first, but the pressure from behind was so great that those in front were obliged to run; gradually, however, the mighty tide flowed along at a more measured pace, and it seemed endless. Host after host poured through the narrow street; men of all countries, most of them bearing naked weapons which flashed in the torch-light, were ranged in ranks, shouting the cries of the faith; others in the garbs of fakeers chaunted wild hymns of the death of the blessed martyrs; others again in fantastic dresses formed themselves into groups, and, as they ran rather than walked along, performed strange and uncouth antics; some were painted from head to foot with different colours; others had hung bells to their ancles, shoulders and elbows, which jingled as they walked or danced; here and there would be seen a man painted like a tiger, a rope passed round his waist, which was held by three or four others, while the tiger made desperate leaps and charges into the crowd, which were received with shouts of merriment.

"Some again were dressed in sheepskins, to imitate bears; others were monkeys, with enormous tails, and they grinned and mowed at the crowd which surrounded them. Now, some nobleman would scatter from his elephant showers of pice or cowrees among the crowd below him; and it was fearful, though amusing, to watch the eager scramble and the desperate exertions of those undermost to extricate themselves,—not unattended by severe bruises and hurts. Bodies of Arabs, singing their wild war-songs, firing their matchlocks in the air, and flourishing their naked swords and jumbeas, joined the throng, and immediately preceded the holy relic, which at last came up.

"It was carried on a cushion of cloth of gold, covered by a small canopy of silver tissue; the canopy and its deep silver fringes glittering in the blaze of innumerable torches. Moolas dressed in long robes walked slowly before, singing the Moonakib and the Murceas*. Men waved enormous chourees of the feathers of peacocks' tails, incense burned on the platform of the canopy, and sent up its fragrant cloud of smoke; and handfuls of the sweet ubeer were showered upon the cushion by all who could by any means or exertions get near enough to reach it.

"Gradually and slowly the whole passed by: who can describe its magnificence? Such a scene must be seen to be felt! I say *felt*, Sahib, for who

* Hymns peculiar to the Mohorum.

could see a mighty multitude like that, collected for a holy purpose with one heart, one soul, without emotion? Hours we sat there gazing on the spectacle; we scarcely spoke, so absorbed were we by the interest of the scene below us. At length however the whole had passed, and the street was left to loneliness and darkness: the few forms which flitted along here and there, looked more like the restless spirits of a burial-ground than human beings; and the silence was only now and then broken by a solitary fakeer, his bells tinkling as he hurried along to join the great procession, the roar of which was heard far and faintly in the distance.

"Just as we were about to retire, a number of men formed themselves into a circle around a pit, in which were a few lighted embers; but some bundles of grass were thrown on them—the light blazed up—and drawing their swords they danced round and round the fire, waving their weapons, while all shouted aloud in hoarse voices the names of the blessed martyrs. The blazing fire in the centre lighted up their wild forms and gestures as they danced, tossing their arms wildly into the air. Now they stood still, and swayed to and fro, while the fire died away and they were scarcely perceptible. Again more fuel was thrown on, the red blaze sprung up far above their heads, and their wild round was renewed with fresh spirit.

"The night was now far spent, and the chill breeze which arose warned us to retire. Indeed Zenat and her mother had done so long before, and we were left to ourselves.

"Sahib! that was the last night I passed with my beloved, and the whole of our intercourse remains on my memory like the impression of a pleasing dream, on which I delight often to dwell, to conjure up the scenes and conversations of years past and gone—years of wild adventure, of trial, of sorrow, and of crime."—*Vol.* ii. *pp.* 1-10.

The Thuggee murders were carried on by so considerable a number of the members of the fraternity, and to so prodigious an extent, that nothing but the connivance of natives in posts of authority could have screened the system from detection. The secret was kept, because it was profitable to keep it, and dangerous to betray it. The profits derived from the commission of the most horrid crimes by those who sheltered the actual murderers, frequently exceeded the share which the latter could retain for themselves. They were in the power of the priests of certain temples; in the power of many of the civil officers, in those parts to which the British administration had not penetrated; and in the power of the native princes, who allowed them to inhabit their territories, with a perfect knowledge of their iniquitous means of subsistence. These functionaries, even the highest, were in the constant habit of throwing bunij or booty into the hands of the Thugs, by their connivance; being well assured that they had the means of

securing to their own coffers an ample share of the spoil. The Rajah of Jhalone was one of the princes who had been most extensively connected with the Thugs; and in his territories Ameer Ali and his father led the life of opulent and respected merchants in the long intervals which occurred between their expeditions. British influence, however, gradually penetrated to the court of the Rajah, and the treacherous prince found it convenient to devote to the ignominy and death they deserved the men whose crimes he had screened and whose booty he had shared. The father and the son are dragged from their home, and from their innocent and unsuspecting relatives, to the Durbar of the Rajah. They are convicted on the spot by the evidence of an accomplice. A ring which had belonged to a recent victim is recognised on the finger of the elder Thug, and he is instantly condemned to die. The fanatical spirit of the murderers is vividly described in the following passage.

"And then my father's proud spirit broke out. With the certainty of death before his eyes he quailed not. While hope remained of life, he had clung to it, as every man will; and when I had expected a grovelling entreaty for his life to be spared, from his previous demeanor, he asked it not, but gloried in the cause for which he died.

"'Yes,' said he, drawing himself up, while his eye glistened proudly, 'I scorn to die with a lie upon my lips. I killed Jeswunt Mul because he was a villain, as you are, Rajah! because he employed Thugs, and would not reward them, but wrung from them every rupee he could, as you do. I have murdered hundreds of men because they were given into my hands by Alla, but I never destroyed one with the satisfaction I did your friend. Ay, you were friends and brothers in guilt, and you know it. My life! I care not for it. What has an old man to do with life? his enjoyments are gone, his existence is a burthen to him. A short time and nature would have claimed me; you have anticipated the period. Yet, O Rajah, Bhowanee will question you for this deed—for the destruction of her votary. My blood be on your head, and the curse of a dying man be with you! You have deceived me, robbed me, shared my spoils, taken the produce of murder—nay, be not impatient, you know it is the truth, and that Alla, who is the judge of all, knows it also. He will cast your portion in Jehanum, as a kafir; and Bhowanee will rejoice that the destroyer of her votary writhes in the torments of the damned.'

"'Gag him! strike the kafir's mouth with a shoe!' roared the Rajah in a fury, more like that of a beast than a man, as he foamed at the mouth; 'Away with him! and let his son look on his dying agony.'

"And they dragged us both forth; I should not say my father, for his step was firm. I struggled against my tormentors, but it availed me not.

'One word, my father!' cried I to him as we were brought near each other; 'wilt thou not speak to thy son?'

"He turned his head, and a tear stood in his eye. 'I leave thee, Ameer Ali; but thou knowest a believer's Paradise, and the joys which await him—the seventy virgins and everlasting youth. Thou art not my son, but I have loved thee as one, and may Alla keep thee!'

"'No more!' cried the rough soldiers, striking him on the mouth, and dragging him forward.

"'Revenge me!' exclaimed my father in Ramasee; 'tell the English of that monster's conduct to us, and when he is torn from his seat of pride, my soul will be happy in Paradise.'

"He spoke no more; I was held forcibly, so that I saw the end of that butchery. They secured him by a chain round his loins to the fore-foot of the elephant, and they tied his hands behind him, so that he could not save himself by clinging to it. He still continued repeating the Xulma; but now all was ready—the Mahout drove his ankoos into the head of the noble beast, which uttering a loud scream dashed forward. A few steps, and my father's soul must have been in Paradise!*

"Sahib, can I describe to you the passions which then burned in my heart? I cannot. A thousand thoughts whirled through my brain, till I thought myself mad; perhaps I was. Revenge for my father was uppermost; and oh that I could have got loose: by Alla! unarmed as I was, methinks I would have sprung on the Rajah and strangled him. But resistance was unavailing; the more I struggled, the tighter my arms were bound, until they swelled so that the pain became excruciating, and I well nigh sunk under it. I suffered my guards to lead me away from the Durbar: I was thrust into a vile hole, and at last my arms were unbound.

"That day—Alla, how it passed! Men gazed at me as though I had been a tiger, and mocked and derided me. The boys of the town hooted me, and thrust sticks at me through the iron gratings. One and all reviled me in the most opprobrious terms they could devise—me! the respectable, nay the wealthy, to whom they had before bowed, when I basked in the sunshine of the Rajah's favour,—but I was degraded now. Alas! my dreams, my forebodings had come to pass—they had been indefinite shadows—this was the reality. Alla! Alla! I raved, I called upon Azima's name, I implored those who still lingered about my prison to fly and bring me news of her, and to comfort her; and I cursed them when they derided me, and mocked my cries. Azima, the name that might not have been breathed by mortal out of the precincts of my zenana, became a word in the mouths of the rabble, and they jested on it, they loaded it with obscene abuse, and I heard it all. In vain I strove to stop my ears, —it provoked them the more; they shouted it closed to the iron bars, and

* "The Rajah of Jhalone died from an inveterate leprosy, which all Thugs declare to have broken out soon after the death of the Thug in the manner described, and that it was a judgement upon him sent by Bhowanee."

spat at me. Night came, and I was left in my loneliness. I should have been in her fond embrace—now I shared the company of the rat, the lizard, and the scorpion. It was in vain that I courted sleep, to steep my senses in a temporary oblivion of their misery; my frame was too strong, and my anguish too great for it to come to me. I wrestled with my agony, but I overcame it not, and I had to drink the bitter cup to the dregs. At last the morning broke; I performed the Namaz: the dust of the floor served me instead of sand or water for my ablutions. Water I had none; I had begged for it, for my mouth was parched and dry with anxiety, yet no one gave it. Again the court was filled; old and young, women and children, all came to look at the Syud—to look at Ameer Ali the Thug—to deride him, and torment him! But I was now sullen; like a tiger, when his first rage, after he has been entrapped, has subsided, I cowered into the corner of my cell, and covered my face with my waistband, nor heeded their savage unfeeling mirth, nor the bitter words they poured out against me. In vain was it that I now and then looked around to see whether one kind pitying glance rested on me. Alas! not one; every face was familiar to me, but the eyes either spoke a brutal satisfaction at my sufferings, or turned on me with the cold leaden stare of indifference. I tried to speak several times, but every murmur was hailed with shouts from the rabble before me, and my throat was parched and my tongue swelled from raging thirst.

"The whole day passed—I had no food, no water. It was in the height of the burning season, and I, who had been pampered with luxuries, who in my own abode should have drunk of refreshing sherbets, prepared by Azima, was denied a drop of water to cool my burning throat. In vain I implored those nearest to me, in words that would have moved aught but hearts of stone, to intercede with the Jemadar who guarded my prison to allow me a draught of the pure element. I might as well have spoken to the scorching blast that whistled into my cage—bringing with it clouds of dust, which were increased by the unfeeling boys when they saw I shrank from them. Thus the day passed: evening came, and still no water, no relief, no inquiry into my condition. Had I been placed there to die? And no sooner had the thought flashed across my mind than I brooded over it. Yes, I was to die! to expire of thirst and hunger; and then, oh how I envied my father's fate! his was a quick transition from the sorrows and suffering he had undergone during one short hour, to Paradise and the houris.

"And from evening, night. I had watched the declining sun, till its last fiery and scorching beams fell no longer on my prison-floor—I watched the reddened west until no glare remained, and one by one the stars shone out dimly through the thick and heated air—and I thought I should see the blessed day no more, for I was sick and exhausted even to death. I lay me down and moaned, in my agony of spirit and of body, and at last sleep came to my relief. For a time all was oblivion; but horrible dreams began to crowd my prison with unsightly shapes and harrowing visions; my life passed as though in review before me, and the features of many I

had strangled rose up in fierce mockery against me,—faces with protruding tongues and eyes, even as I had left them strangled.

"Why describe them to you, Sahib? why detain you with a description of the horrors of the scenes which rose to my distempered fancy, and at last woke me, burning as though a fire raged in my bowels and would not be quenched? But morning broke at last, and the cool air once more played over my heated and fevered frame, and refreshed me. Yet I was still in agony;—who can describe the sufferings of thirst? Hunger I felt not: thirst consumed me, and dried up my bowels. How anxiously and impatiently I looked for the first man who should enter the court where my prison was! One came, he passed through and heeded not my piteous cries: another and another; none looked on me, and again I thought I was to die. Another came; I called, and he turned to regard me. He was one that I knew, one who had eaten of my bread and my salt, and had been employed about my house, and he had pity; he had a remembrance of what I had done for him: he came, and looked on me. I spoke to him, and he started, for my voice was hollow and thin and hoarse. 'Water!' cried I, 'for the sake of the blessed Prophet, for the sake of your mother, one drop of water! I have tasted none since I was confined.'

"'Alas!' said he in a low tone, 'how can it be, Meer Sahib? the Rajah has threatened any one with death who speaks to you or brings you food.'

"Again I implored; and I who had been his master prostrated myself on the ground and rubbed my forehead in the dust. He was moved—he had pity and went to fetch some; fortunately no one saw him, and he brought a small earthen pot full, which I drank as though it had been that of the well of Paradise. Again and again he took it and refilled it; and at last he left me, but not before he had promised to visit me in the night, bring me a cake of bread if he could, and, more than all, news of Azima and of my house."—*Vol.* iii. *pp.* 318—328.

These pages appear to us to evince a power of writing and an entire command over the resources of oriental imagery and the glowing vehemence of oriental passion, which we have not seen displayed in an equal degree since we hung over the fearful tale of Anastasius.

The news which is brought to Ameer Ali announces the death of his adored wife, and the utter disgrace and destruction of his house. He is set free by the Rajah; but the remainder of his existence is spent in the wretchedness of a branded felon, a protracted expiation for the enormity of his successful crimes. His propensities to Thuggee are not so easily effaced; he continues to strangle his benefactors and betray travellers with the same remorseless indifference. But at length the measures of the British Government put a stop to his career: he turns approver; and we believe that he still

subsists, a pensioner on the wages of his treachery, which has sent to Penang or the gallows hundreds of accomplices not more guilty than himself.

Before we conclude, one reflection suggests itself to the mind. We have had occasion in the pages of this journal to animadvert on the policy pursued by the East India Company towards the native princes, and to reprobate what we believe to be abuses of British power. But if there be a subject to which an Englishman may look with pride, it is to the influence which the energy of our government in India has had in extirpating crimes which appeared to be indigenous in the soil, since they were protected by ancient superstitions and sanctioned by priestly or princely corruption. Suttee has been suppressed, the exposure of infants stopped, Thuggee detected and brought to condign punishment, and we trust the horrors of Pindharee warfare will not again lay waste the British dominions. Much yet remains to be done, before we can boast that even the most inhuman practices and the most bloody rites are wholly checked. Amongst an ignorant, corrupt, and heathenish people the elements of these and all other crimes are not easily rooted out; but wherever the power of England extends, we trust that some sufficient marks are discernible of the progress of Christian civilization, in the unflinching defence of the rights and duties of humanity, and in the slow but certain defeat of the worst forms of superstition.

Article VI.

1. *Treatises relative to the Netherlands and Belgium, signed at London, April* 19, 1839. Presented to both Houses of Parliament by command of Her Majesty, 1839.
2. *Lettre à Lord Palmerston*, par un ancien Député au Congrès Belge, envoyé a Londres en 1831, près du Prince de Saxe Cobourg. Bruxelles, 1838.
3. *La Belgique et les vingt-quatre Articles*, par M. B. C. Dumortier, Membre de la Chambre des Représentans. 4ième Edition. Bruxelles, 1838.

In the memorable year 1830, the inhabitants of the nine Belgic provinces, of which Luxemburg and Limburg were two, effected a revolution which delivered the whole people from the yoke of the Dutch king, and resulted in the erection of Belgium into an independent state. By the interference of foreign powers, Belgium has been decreed to restore to the Dutch king certain parts of the provinces of Limburg and Luxemburg, containing together more than 350,000 inhabitants, against the will, not only of those inhabitants, but of the entire Belgic nation. Was this right, or was it wrong? Have the proceedings of the Great Powers in regard to the Belgic territory been founded upon strict justice between the contending parties, or do the Belgians complain with reason of the violation of their national integrity? To elucidate this question will be the object of our present remarks. Although but little understood in this country, it is not really complicated; yet it is enveloped in a cloud of protocols, which have unavoidably clothed it with the "pomp of mist" appertaining to diplomacy. We are anxious that the importance of the subject should be duly appreciated in England, as well as to place on record the serious doubts we entertain, whether the proceedings of the Conference of London have, in this respect, been conformable either to sound policy or international justice. We cannot look without some alarm at a transaction in which the Great Powers seem to have so completely reversed the motto of the house of Ellangowan,—"our right makes our might."

Upon the first view of the territorial question it appears one of extreme simplicity. Before their union in 1815, Holland and Belgium were distinct states, having well-defined limits. The dissolution of the union gave back to each its own territory and people. If any portion of Belgium had desired to remain Dutch, such a desire ought, no doubt, to have been gratified: but there was, in fact, no particular part, either of Belgium or of Holland that wished to continue united with the other state. Hence the separation of the two nations by the revolution was clear and complete. Suppose the union between England and Scotland were to be now dissolved, there could not be the smallest doubt about the territorial limits of the two countries. Why then should so great difficulty have been found in fixing the boundaries of two states, which were united into one kingdom, as it were, but yesterday, and whose former limits, respectively, are not matter of history only, but are actually matter of fact for the young men of the present generation?

The recognition of the integrity of the Belgian provinces would assuredly have seemed the natural result of the acknowledgement that Belgium had achieved her independence. There was not the shadow of a doubt as to what districts were peopled by Belgians and what by Dutchmen, for even during the period of the union the distinction between the northern and southern provinces was fully maintained. The ten northern provinces, known under the general name of Holland, and the nine southern ones, commonly called Belgium, were distinguished, not only by the fundamental law of the Netherlands, (Art. 2,) but in common parlance*; and it was between these divisions of the kingdom that the feuds and animosities which eventually terminated in separation, had subsisted for fifteen years. The quarrel was essentially a *national* one. The main object of the revolution was the deliverance of Belgium from the dominion of Holland. It was not effected from any love of liberty, in the abstract, or mere zeal for the reform of social abuses. Its direct motive was a deep and universal hatred of Dutch domination. Its war-cry was, "Mort aux Hollandais!"

* "The northern provinces retain their former names and limits, and the southern provinces are divided into the several districts by which they were anciently known."—*Boyce's Belgian Traveller, 4th Edition*, 1823.

Nobody who has studied the Belgian revolution can come to any other conclusion, than that it was the termination of a national conflict,—of a struggle for the maintenance of Belgic institutions, laws, religion, customs,—in short, of Belgic nationality*. We thus characterize the revolution deliberately, and with full cognizance of its circumstances, and of the very liberal provision for popular freedom which has been made by the new Belgic constitution. We are quite aware of the enlightened views of many leading men in Belgium; but looking at the strong attachment to old times and institutions which pervades the mass of the people, at the defective state of education, and above all at the powerful influence of the clergy, we cannot but believe that the example of the Three Days of Paris would have been held up to the Belgians in vain, if their national feelings had not been injured and insulted by a foreign government. They were thoroughly disgusted with Dutch dominion, and at one struggle they severed themselves for ever from the Dutch king and people. They ceased to form the nine southern provinces of the kingdom of the Netherlands, and reverted to their old description of *the Belgic provinces*,—with the important addition, that those provinces had become also an independent state.

But, easy as it might seem to have determined by the arbitration of a third power the territorial demarcation of the two states, the practical difficulties have been of such a nature, that, notwithstanding the formal acceptance by both, of the boundaries fixed by the treaty of London, and the solemn ratification of that treaty by all the powers concerned, we cannot by any means consider the question as brought to a final—that is a permanent—settlement. These difficulties are, in fact, attributable, not, as we have already observed, to any uncertainty about the Belgic boundaries, but to the circumstance of other interests and influences (and those of the first magnitude) having been all along involved in this dispute. The question has from the first been an European one; indeed the history of Belgium since 1830 forms the most

* "La cause de la catastrophe de 1830 est donc dans la profonde incompatibilité de deux populations, de deux races d'hommes."—*Nothomb, Essai sur la Révolution Belge*, 1833.

prominent part of that of Europe. The diplomatic struggle, apparently between Belgium and Holland, has really been one between those conflicting principles which divide the world. On the side of Holland have been ranged those powers which represent continental Toryism; in alliance with Belgium have been the representatives of the spirit of movement, or reform. The aim of Russia, Austria and Prussia has unquestionably been to prop up, so far as in them lay, the falling fortunes of Holland, and to reduce to the smallest possible compass the gain of European liberalism by means of Belgic independence. These powers have watched with anxious jealousy lest France should find a pretext for gratifying the well-known wishes of her people, and advancing beyond the barriers assigned to her in 1815. On the other hand, the cause of the Belgians has all along carried with it the strong sympathy of the French nation, which feels that it has by its side a people united to it, in some sort, by old associations, and who, in religion, government, laws and language, have strong points of relationship to itself. Belgium has also enjoyed the support, if not of the entire British nation, at least of the British government, and of the more liberal-minded portion of the people. Generally speaking, we may assert Belgium to be indebted to France and England (though principally to the former,) for the position which she at present occupies in regard to the rest of Europe. The powers of the West have succeeded in maintaining her existence against the wishes of those of the East; and, as an European question, the result affords ample matter of congratulation to the friends of freedom; although, as we are about to show, Belgium has been compelled to submit to what, as respects her own rights, cannot be considered otherwise than as an act of very remarkable injustice.

Before noticing more recent transactions, it will be convenient to advert briefly to the circumstances under which the union with Holland took place, some twenty-five years since.

At the fall of the French empire, in 1814, the Belgian provinces, which the battle of Fleurus had annexed to France in 1794, were thrown loose upon Europe without a master, and without any stipulation on the part of the French, whose army simply withdrew from the territory, leaving the inhabitants to their fate. Whether the Allies derived from such an

abandonment any right to dispose of Belgium as her conquerors, is by no means clear. The Belgians did not, indeed, display an energy for independence equal to that with which the Dutch so spiritedly delivered themselves by their own act; but Belgium was still far from being entirely quiescent at that stirring period, and we find the generals of the allied forces recognising the "*bel élan*" of her people towards throwing off the French yoke*. However this may have been, the declared object of the Allies was to re-establish the independence of the countries oppressed by France. They proclaimed the approach of their armies, not for the purpose of making conquests, but to second the efforts of the inhabitants themselves†. Either then, according to the professed intentions of the Allies, the Belgians were entitled to make provision for their own independence, or the rights of Austria to these provinces, as their last legitimate sovereign, reverted. M. Dumortier, in the pamphlet before us, observes that Austria mistook her interests at this period, in not reconstituting Belgium into a separate principality, under the government of the arch-duke Charles, whom the States-General in 1790 were desirous of having for their hereditary grand-duke. This prince was very popular whilst governor-general for the few years previous to the annexation to France, and in 1831 was proposed and supported by a considerable party as a candidate for the crown. But between 1790 and 1814 the policy of Austria was changed, and she had wisely turned her views to Italy and the south, rather than to the recovery of the "continental colony," [as the Abbé de Pradt calls it,] which had cost her so dear in former times, and could not, after so long an union with France, be governed but upon principles which at Vienna would be both new and embarrassing. Austria, therefore, though she at first took the step of appointing a governor, continued him merely in the interim until the Allies had completed their arrangements, and made no effort to acquire the permanent possession of Belgium either for herself or any branch of her family. She was at all events

* Proclamation of the Duke of Saxe-Weimar and General Bulow, dated February 4th, 1814.

† Treaty of Reichenbach, 14th June, 1813, Art. 1. Proclamations of General Bulow to the Flemings, dated 9th December, 1813, and February 1814.

resolved not to risk her Lombardo-Venetian kingdom, which indeed she originally received as the consideration of not disturbing France in the possession of the Belgic provinces. Austria, therefore, was a willing party to the disposal of Belgium by the Allies in a new and different way.

The Allies, we have seen, had engaged to restore to the countries under French dominion their independence,—that is, their nationality, their ancient rights and privileges. Accordingly, in Holland, "Orange boven" was again the order of the day. She returned to her old laws and customs, and to a sovereign of the Orange dynasty. But how fared poor Belgium? Did she recover her ancient liberties,—her charters and privileges, not forgotten during twenty years' union with France,—her much-loved "*joyeuse entrée*"? Alas! her national rights were sacrificed, her national feelings violated, in order that she might become *an accession of territory* to Holland. In vain had the Belgians risen to meet the Allies in 1814, in vain did they in 1815 resist with all their might the shock of the French army, fighting for their country with signal courage at Waterloo; they were treated as a conquered people, and delivered over to Holland as a mere appendage,—"Holland representing the person acquiring, and Belgium simply the thing acquired*."

The sixth article of the Treaty of Paris (30th May 1814) declared that "Holland, placed under the sovereignty of the house of Orange, shall receive an accession of territory;" and the third of the secret articles annexed to that treaty provided, still more explicitly, that "the establishment of a just equi-
"librium in Europe requiring that Holland should be con-
"stituted in the proportions which may enable her to sustain
"her independence by her own means, the countries com-
"prised between the sea, the frontiers of France as regulated
"by the present treaty, and the Meuse, shall be united for
"ever to Holland." Here we perceive at once, that the object of the Allies was the aggrandizement of Holland, with a view to adjust the balance of power in Europe, or, in other words, to strengthen the barriers between France and the Rhine. Neither the people of Belgium nor those of Holland

* Nothomb.

were in any way consulted, or any pains taken to ascertain their wishes in the matter. The Treaty of Paris was carried into effect by the Congress of Vienna on the 8th of June, 1815, which constituted and fixed the limits of the new kingdom of the Netherlands*. We will not here attempt to describe the feelings of the Belgians at an arrangement, which thus handed them over to a Dutch and Protestant master. Suffice it to remember the rejection of the fundamental law proposed for acceptance to the Belgian Notables, according to the stipulations of the Treaty of London of 21st July 1814, by a majority of 796 over 527. The constitution however, by an unparallelled political fraud, was forced upon the nation†, and was the commencement of the course of injuries and oppressions which in their sixteenth year produced their natural fruit—the Belgian revolution.

The month of September 1830 closed upon the Belgians as a free people. Early in October, king William addressed himself to the Five Powers who had been parties to the treaties of Paris and Vienna, praying their intervention to preserve to him the dominions they had conferred upon him, but which he had not himself the ability to retain. It is worth remarking, that it was upon the solicitation of William that the Conference of London first met, because that potentate afterwards disputed its powers and rejected its mediation. Upon what foundation rested the right of the Five Powers to interfere at all in the affairs between Holland and Belgium, except in so far as their arbitration was expressly called for and submitted to by both those nations, it would not be easy to show; nor do we propose to enter here upon so nice a question as that of the moral law by which the interference of one nation in the concerns of another ought to be governed: we will concede, at all events, that the Allies had as much right to interpose in 1830 as they had in 1815. It was quite natural that Holland should turn to those from whom she derived her title. It

* Some alterations, not material to our present purpose, were made by the second Treaty of Paris, in November 1815, and that of Frankfort in 1819.

† 126 Notables declared they rejected the law on account of the articles relating to religion, and about one sixth of the number of Notables were absent. These were pronounced to be *assents*, and the king proclaimed the acceptance of the constitution accordingly!

was also to be expected that Belgium, seeing that her new independence was only to be secured in two ways,—by diplomacy or by war,—should gladly choose the lesser evil, and seek her safety under the shield of the Conference. The five powers then, of Austria, France, Great Britain, Prussia, and Russia, met by their plenipotentiaries at the Foreign Office on the 4th November 1830, and by their protocol of that date directed a cessation of hostilities, and that the respective troops should retire reciprocally behind the line which, before the date of the treaty of the 30th May, 1814, separated the possessions of the sovereign-prince of the United Provinces from those which were joined to his territory to form the kingdom of the Netherlands, by the treaties of Paris and Vienna. Now here we have a clear and intelligible line of demarcation, which ought to have sufficed for all future purposes of division—the question being solely, what belonged to Holland on the 30th May, 1814, and what was added to it at that date? The allegation on the part of Holland, that Luxemburg was a distinct possession from the kingdom of the Netherlands, seems to have been an after-thought: certainly it did not enter into the contemplation either of Holland, Belgium, or the Great Powers, at this period, that Luxemburg was not included in the suspension of arms. The suspension was accepted by Holland without any reference to the point, and the adherence of the Provisional Government of Belgium, dated 10th November, 1830,—although containing an observation, that it understood by the prescribed line "the "limits which, according to the second article of the funda-"mental law of the Netherlands, separated the northern from "the southern provinces, comprising in the latter all the left "bank of the Scheldt,"—made no specific mention of Luxemburg, as it would naturally have done if its inclusion had seemed doubtful. The Allies, however, declaring by their protocol of the 17th November, that the limits of the armistice could not be determined by any acts posterior to the 30th May, 1814, (which was the case with the fundamental law cited,) the Provisional Government on the 21st November, 1830, agreed to a suspension of arms in the terms of the second protocol; and, on the 15th December following, signified its definitive adhesion to the armistice, on condition that

the free navigation of the Scheldt should be established, and that the armistice should be without prejudice to ulterior questions, political and territorial, between the two countries.

The territorial questions thus left open consisted of the claims made by Belgium to the possession of Maestricht, as a part of the province of Limburg,—of the country called Dutch Flanders, forming the left bank of the Scheldt,—and of the whole of the grand-duchy of Luxemburg. Representations, entering fully into the grounds of these claims*, were made by the diplomatic agents of Belgium to the Conference, and negotiations continued for some time relative to the blockade of the Scheldt, which the king of Holland thought proper to maintain contrary to the express directions of the Great Powers. On the 20th of January, however, the Scheldt was opened to navigation by neutral and Belgian vessels, and at the same date the Belgians complied with the injunctions of the Conference by withdrawing their troops from the investment of Maestricht. Thus terminated what may be called the first diplomatic period, which resulted in no definitive territorial arrangement, further than that the armistice was interpreted as not extending to Luxemburg, and that Holland was held to be composed of the ancient territories of the United Provinces, without reference to treaties made since 1790†. Accordingly, Belgium was to evacuate provisionally the fortress of Venloo and the villages of the *généralité*, as they were called in Limburg, as well as to leave Holland in possession of Maestricht and the left bank of the Scheldt. It was further announced by the protocol of the 20th December, (which declared the dissolution of the kingdom of the Netherlands,) that the intended future arrangements were not to affect the rights exercised by the king and the Germanic Confederation over the grand-duchy of Luxemburg. Here we perceive the first signs of an intended dismemberment of the nation, which was thus acknowledged to have achieved its independence. But as yet the arrangements were merely

* See memorials annexed to the able report of M. Van de Weyer, at this period minister for foreign affairs. (*Rapport à M. le Régent de la Belgique sur la Situation de nos Relations Extérieures au* 15 *Mars*, 1831.)

† Nothomb, *Chapitre* 8.

provisional, and none of the rights of Belgium were actually lost.

The Great Powers, however, soon proceeded to declare their intentions more specifically; and in their protocol of the 20th January, 1831*, will be found the following articles:

Art. 1.—"The limits of Holland comprise all the territories, places, cities and towns which belonged to the former republic of the United Provinces of the Netherlands in the year 1790."

Art. 2.—"Belgium shall be formed of all the rest of the territories which had received the denomination of the Kingdom of the Netherlands in the treaty of the year 1815, except the grand-duchy of Luxemburg, which, possessed under a different title by the princes of the House of Nassau, makes, and will continue to make, a part of the Germanic Confederation."

Art. 4. provides for an exchange of the respective Dutch and Belgic *enclaves*, with a view to entire contiguity of possession and free communication."

The king of Holland, who had protested against the recognition of the independence of Belgium by the protocol of 20th December, and contended for a merely administrative separation of the two portions of his dominions, now perceived that an important step had been made in his favour,—abandoned his protest,—and on the 18th February signified his adhesion to the bases of separation of the 20th January; thereby formally admitting the dissolution of his kingdom of the Netherlands. But the National Congress of Belgium, consistently with its previous remonstrances, refused its assent to the territorial bases, transmitting to the Conference its formal protest dated the 1st of February†. The reasons stated in this protest were briefly,—that Luxemburg, Limburg, and the left bank of the Scheldt were comprised within the Belgic territory, not by means of conquest, but by virtue of the right of *post-liminium*, or in consequence of cession; that, in fact, Luxemburg and the greater part of Limburg belonged to an-

* The same articles were included also in Annexe A. to Protocol No. 12, dated 27 January, which made provision for the adjustment of the debt.

† See this *Decrêt*, appended to M. Van de Weyer's Report before cited.

cient Belgium, and associated themselves spontaneously in the revolution; and that in 1795 and subsequently, Holland had ceded the left bank of the Scheldt and its rights in Limburg, in exchange for possessions of ancient Belgium which it (Holland) continued to retain. The Congress also referred to its previous proclamation of the independence of Belgium, which expressly reserved the relations of Luxemburg with the Germanic Confederation.

Whatever degree of weight there may have been in the arguments of the Congress as applied to the other parts of the territory, there can be little doubt of their validity in regard to Luxemburg, coupled as they were with the offer to preserve the existing relations with the Germanic Diet. The Great Powers however were unmoved, contenting themselves with a further explanation of their policy in a protocol dated 19th February. "Assuredly," said they, "we transgressed the "bounds neither of justice nor equity, nor the rules of sound "policy when, in adopting impartially the limits which sepa-"rated Belgium from Holland before their union, we refused to "the Belgians *only the power of invasion*: this power we re-"jected, because we considered it as subversive of peace and "social order." That the term *invasion* was absurdly inapplicable to the case of Luxemburg we shall presently show. It does not appear that the eulogy pronounced by the Allies on their own policy in the last-mentioned protocol tended in the least to convince the Belgians of its rectitude; but the question was suspended for several months, which gave time to all parties to consider the means of arriving at a more satisfactory solution; and in the same interval the scheme of territorial compensation seems to have been devised, which ultimately took effect in the definitive treaty.

The constitution of Belgium was promulgated on the 24th February, 1831; and its first article, enumerating the nine provinces of the kingdom, contains the special reservation, "sauf les relations du Luxembourg avec la Confédération Germanique." We cannot here stop to notice the merits of this constitution, nor to advert to the incidents of the election to the throne and refusal of the Duke de Nemours, and of the regency of Surlet de Chokier. We must come at once to the eighteen articles bearing date the 26th June, 1831, *upon the*

faith of which Prince Leopold accepted the regal crown. The exertions of Lord Ponsonby, to whom the Belgic cause owes no small obligation, so far prevailed with the Allies as to induce them, on the 24th of May, to admit the possibility of the cession of Luxemburg, subject to just compensations. The Belgians objected, however, to making any compensations, except of a pecuniary kind; and so little acceptable were even the eighteen articles in Belgium, that they were carried in Congress by no greater majority than 126 to 70. Nothing indeed short of the urgent necessity for a sovereign would have induced the Congress to depart from its protest of the 1st of February; but Leopold having made the acceptance of the articles an express condition precedent to his assuming the government, the question was, in truth, whether the nation would have Leopold or not? The Congress, therefore, formally adopted the articles as the preliminaries of peace on the 9th of July, and, on the 21st, Leopold was inaugurated at Brussels as the first King of the Belgians.

The eighteen articles of the 26th June differed materially from the protocol of 20th January, in the following respect.

Art. 3.—" The Five Powers will employ their good offices " in order that the *status quo* in the Grand-Duchy of Luxem- " burg may be maintained during the course of the separate " negotiation which the sovereign of Belgium will open with " the king of the Netherlands, and with the Germanic Con- " federation, on the subject of the said grand-duchy, a nego- " tiation distinct from the question of the limits between " Holland and Belgium. It is understood that the fortress " of Luxemburg will preserve its free communications with " Germany."

The sovereignty of Maestricht and the exchange of the *enclaves* were left to arrangement by the two nations themselves. In other respects a demarcation of the territory was to take place according to the principle already mentioned in articles 1 and 2 of the protocol of the 20th of January.

The eighteen articles were absolutely rejected by the king of Holland, who, professing to regard the election of Leopold as an act of hostility, invaded Belgium suddenly, in violation of the armistice, and of the laws of civilized nations. This treacherous proceeding was, however, repelled by the inter-

vention of France, and fresh negotiations were entered into with a view to a definitive treaty. But the differences between the contending parties were irreconcileable. Holland would acknowledge no other basis of a treaty than the articles of the 20th of January; Belgium rested its claims on the prospects held out by the articles of the 26th of June. It remained, therefore, for the Great Powers to arbitrate finally upon the conflicting claims, which they did by the twenty-four articles dated the 15th of October, afterwards converted into the definitive Treaty of London of the 15th of November, 1831. We proceed to state the territorial demarcation fixed by this treaty, in order that it may be seen that, in principle, it was in accordance with the protocol of the 20th of January, and consequently with the demands of Holland; and that it cut off completely the hopes of the cession of Luxemburg, which the eighteen articles had held out to Belgium.

The first article of the Treaty of London declares that the Belgic territory shall be composed of the eight provinces of South Brabant, Liege, Namur, Hainault, East and West Flanders, Antwerp and Limburg, as they formed part of the late kingdom of the Netherlands, except the portion of Limburg afterwards given to Holland by article 4, and also of the portion of Luxemburg indicated in article 2.

The second article divides Luxemburg by a line drawn from the French to the Prussian territory, across the grand-duchy, a little to the east of Arlon and Bastogne. The portion to the east of this line, comprising about two-fifths of the territory of the grand-duchy, the city and fortress of Luxemburg and 160,000 inhabitants, is assigned to Holland; the remainder, lying west of the line, to Belgium.

The third article declares that, for the *cessions* made in the preceding article, the king of the Netherlands, grand duke of Luxemburg, shall have a *territorial indemnity* in the province of Limburg.

The fourth article gives accordingly to the king, *either* in the quality of grand duke of Luxemburg, *or* to be united to Holland, the following portions of Limburg,—viz. on the right bank of the Meuse, in addition to the ancient Dutch *enclaves* there, the whole district comprised between the Meuse on the west, the Prussian frontier on the east, the province of Liege

on the south, and Dutch Guelders on the north; and on the left bank of the Meuse, the district lying north of a line drawn from the southernmost point of North Brabant to the Meuse near Stevenswardt. The ancient Dutch *enclaves* on the *left* of the river are to belong to Belgium, except the city of Maestricht, the entire sovereignty of which is given to Holland. The population of the portion of Limburg thus assigned to Holland is 185,000; and in it are included, besides Maestricht, the fortresses of Ruremonde and Venloo.

The fifth article provides that the king of the Netherlands shall come to an understanding with the Germanic Confederation and the agnates of the House of Nassau, as to the application of the stipulations contained in articles 3 and 4.

It will be observed that, by means of these territorial exchanges, the treaty gave Holland a means of direct communication along the Meuse from Venloo to Maestricht, and a contiguous line of frontier between Belgium and Prussia. It was, however, stipulated on behalf of Belgium, that she should continue to have a free transit to Germany, both by the existing roads and any others she might afterwards make.

The Treaty of London was submitted to the Belgic legislature for the requisite authority to enable king Leopold to conclude the same. It was carried in the House of Representatives by no greater majority than fifty-nine over thirty-eight, and the law passed on the 7th of November, in pursuance of which it was formally concluded between Belgium and the Five Powers. The articles had been previously submitted to Holland, but that power absolutely refused its assent, and on the 14th of December presented, by its plenipotentiaries, a formal protest against the treaty. We should mention, that at this date a convention was entered into between Austria, Great Britain, Prussia and Russia, for the demolition, as no longer necessary under then existing circumstances, of the fortresses of Menin, Ath, Mons, Philippeville and Marienburg, being five of the fortifications existing as barriers against France, pursuant to the arrangements made at the close of the war.

After vain endeavours to negotiate with Holland, Belgium applied to the Five Powers to adopt coercive measures to compel Holland to evacuate the Belgic dominions and adhere

to the treaty. The Conference deliberated upon this proposition on the 1st October, 1832, and we find it recorded in the protocol of that date, that "the plenipotentiaries of France "and England having recognised that there remained a duty "to be performed by them,—that of procuring for Belgium "the execution of the treaty concluded with her,—proposed "to the Conference to employ coercive measures to constrain "Holland to adhere to the twenty-four articles. The pleni-"potentiaries of Austria, Prussia and Russia, without con-"testing this duty, declared they could not associate them-"selves in it, which led to the dissolution of the Conference." The Three Powers, it appears, refused to be parties to any coercion but that of a *pecuniary* kind, meaning merely the permitting Belgium to deduct her war expenses from monies due to Holland; but Great Britain and France considered themselves warranted in resorting to a more intelligible sort of coercion, namely by *physical* means. These two powers entered into a convention for this purpose on the 22nd October, and accordingly laid an embargo on Dutch vessels, blockaded the Scheldt, and by the second intervention of a French army restored Antwerp to Belgium, after a siege which fixed the anxious attention of all Europe. Thus the Belgic question stood at the close of the year 1832,—the Treaty of London recognised as binding by the Great Powers and Belgium, but as yet unfulfilled in its most material provisions, and still with obstinate pertinacity rejected by Holland.

By the convention of the 21st May, 1833, the territorial question was placed upon the basis of *uti possidetis*, until a definitive treaty should be concluded; and by this and the subsequent military convention of the 25th November, 1833, the rivers were re-opened to navigation, and freedom of land-communication established. By these conventions Belgium was placed in the advantageous position of occupying provisionally the whole of Luxemburg and Limburg, with an entire cessation of hostilities; and it is not wonderful that the enjoyment of these benefits for five years, in the course of which the country gradually advanced in all the elements of physical well-being, should have increased the disinclination of the Belgians to change from so desirable a state of things.

The *status quo* of 1832, in regard to the treaty, continued, in fact, until 1838. The Dutch king was inflexible in his objection to the twenty-four articles. Either incredulous of the capability of his revolted subjects to manage their affairs as an independent state, or drawing inspiration from certain northern influences, his majesty evidently speculated upon the chances which delay might throw in his favour. But the course of events not verifying such expectations,—on the contrary, Belgium having by family alliances strengthened her connexions with England and France, and having made rapid progress in wealth and prosperity, whilst in Holland there was great and increasing discontent at the expenses consequent upon the protraction of the state of war,—king William at length perceived that it was time to change his policy, and to strike, if possible, the bargain offered him in 1831, but which there were strong reasons against his having, without modification, six years afterwards. He therefore, on the 14th of March 1838, addressed the Five Powers, declaring himself prepared to cause his plenipotentiary to sign the twenty-four articles as agreed to in the conference of the 15th October, 1831.

The tables were now turned; for the Belgians, whose government had, as we have stated, accepted the twenty-four articles by a treaty between itself and the Five Powers, now took the opportunity to protest against that treaty being put into execution. They loudly remonstrated against being deprived of the portions of Luxemburg and Limburg, which they continued to hold provisionally, as well as against the amount (8,400,000 florins) charged upon them by the articles, as their share of the debt of the dissolved kingdom of the Netherlands. They further contended that the twenty-four articles had lost their binding character, by reason of the non-adherence of Holland, and of the refusal of the *Five* Powers to enforce them coercively. They maintained that the articles were inapplicable to the present altered circumstances, having been intended for immediate, not prospective, execution; and they therefore demanded of the Great Powers the revision of the treaty upon principles of substantial justice between the conflicting parties.

M. Dumortier (the representative for Tournay,) at this

juncture, published the pamphlet prefixed to this article, which made a considerable sensation both in and out of Belgium, and is, no doubt, an able and spirited essay. The following will serve as a specimen of his reasoning in regard to the effect of lapse of time upon the validity of the treaty.

"In examining the Treaty of 1831, it is easy to perceive,—

"1st, That it was made for a state of things which does not now exist:

"2ndly, That its pure and simple execution at the present day would be physically impossible:

"3rdly, That it bore a date of execution with reference to its obligatory force.

"In October, 1831, the position of Europe was very different from what it is at the present day. Poland had just fallen. Suddenly surprised by the violation of the armistice which her enemy had solicited, and which the Five Powers had guaranteed, Belgium had been obliged to have recourse to French intervention. France, menaced with anarchy, had lost much of its force within and its influence without. In the north, the reaction against 1830 was at its height. In the midst of these circumstances our rights were misunderstood, as they well might be.

"Nevertheless, the equilibrium of Europe requiring the existence of Belgium, we had been granted, by the Treaty of the 15th of November, 1831, certain rights, often much more favourable to the Great Powers than to ourselves, and for which we were made to pay dearly. Such were the stipulations relative to the navigation of the intermediate waters between the Scheldt and the Rhine, the utility of which has ceased to exist in consequence of the railway now making from Antwerp to Cologne. Such was the stipulation of Article 8, relative to the drainage of the waters of Flanders, which will have no object after the execution of the great canal of Zelzaete. Such also were Articles 11 and 12, which conceded to Belgium the right of making a railway or canal across the part of Limburg ceded to Holland, the want of which has ceased by reason of the line of railway since traced towards Prussia. The same with Article 13, Sec. 5, relative to the Sinking-fund Syndicate of the former kingdom of the Netherlands. This Article provided that the commissioners should meet in fifteen days to liquidate the funds of the Syndicate, and that Belgium should be allowed half of the assets. Now, at this period, there was in the chest of the Syndicate a considerable amount of assets, which ought to go in reduction of our part of the debt. But this money having since been spent by King William to supply the wants of his army, the stipulation in our favour vanished away, and we could now have nothing to expect from this Article, so that our position would be so far worse in 1838 than in 1831. The same with the *domein-los-renten*, (domain-funds,) whose liquidation was also ordered in 1831, by Article 13, Sec. 6, and a great part of which have, in like manner, been absorbed by Holland.

"All these stipulations prove that the Treaty of 1831 was made for an order of things which no longer exists. But what shows that the execu-

tion of the Treaty would be physically impossible at the present da that Articles 13 and 14 fix dates of payment for 1832. It is particu the stipulation relative to the arrears of the debt which the Conferenc self rescinded, when it declared in the protocol of the 11th of June, 1 'that Belgium had a right to refuse to pay them, being forced to em the amount in the legitimate defence of her territory.'

"It is obvious from the preceding, *that the twenty-four Articles coul now be inserted word for word in a direct treaty between Belgium and land*, according to the declaration of the Conference, dated the 16t October, 1831, and that *that is now absolutely impossible.*

"This brings us to the date of execution contained in the Treaty of 1 and we shall find in this a strong proof against its obligatory force in 1 The twenty-four articles were, in fact, decreed by the Conference the October, 1831, and put into a formal treaty a month later. By A 13, the execution of the treaty was to commence the 1st of January, 1 By Article 14, this date is sanctioned in a remarkable manner, for all is anterior to the 1st of January, 1832, is considered as anticipating date of execution; and the sums which Holland paid at the time of signature of the treaty, were designated as advances, the reimburse of which was to be made from the 1st of January, 1832, the day of execution of the treaty. By the final Article, the ratifications were t exchanged in two months, or sooner if possible, referring to the dist between St. Petersburgh and London; and by the note annexed to twenty-four Articles, addressed to the Belgic and Dutch plenipotentia the Great Powers declared, *that they could not abandon to longer uncer ty, questions of which the immediate solution had become a primary wa Europe.*"

It must be admitted that the right assumed by Belgium repudiate a treaty formally entered into by herself was a cl new to diplomacy, and which, if it existed at all, was we ened by subsequent appeals to the treaty which Belgium l made to the Five Powers. No doubt, as Lord Palmerston observed*, the obligations of Belgium depended, in a le sense, upon her own adherence, and not upon the quest whether the articles had been accepted or not by Holla But it did not follow that the obligations of the Five Pow *towards Holland* remained the same in 1838, as they w when the articles were offered to and rejected by that gove ment in 1831. There was no existing treaty between t Five Powers and Holland beyond the basis of separation the 20th January, 1831. Was it competent to Holland, w had formally protested against the Treaty of London, a

* Speech in the House of Commons, February 6, 1839. See Morning Chronic

whose refusal to be a party thereto had been formally recorded by the Conference, to require, in the seventh year, the enforcement of that treaty as between the Five Powers and Belgium? Assuredly not: and it was this incompetency of Holland to interfere in the matter, which afforded the opportunity to the Five Powers, had they desired it, to comply with the desire of Belgium and revise the treaty according to the expediency of 1838.

Diplomatic precedents are, we believe, not wanting to show that international contracts have ceased to be binding, when the events and circumstances to which they are applicable have passed away. The nature of things had, in fact, rendered the literal execution of the twenty-four articles impossible in 1838; and the modification of them which the Conference did afterwards make, in respect of the debt and otherwise, was an assumption of a right, by virtue of which it could also have altered the distribution of territory if it had seen fit. There was really no difference in principle between modifying the debt and modifying the territory. In both cases the power was present, though in one, unfortunately, the will was absent.

M. Dumortier places considerable stress upon the fact of the *Five* Powers jointly having, in October 1831, refused to adopt coercive measures against Holland, whereby he conceives that Belgium, in her turn, acquired the right of repudiating the treaty. But the answer to this is the recorded fact, that the Five Powers differed as to the *mode* of coercion, not as to the necessity of coercion itself. Further, the treaty being several as well as joint, Belgium did actually receive the physical aid of two of the powers, England and France,—as witness the blockade of the Scheldt and the siege of Antwerp. It is impossible to enter here into the motives which induced Austria, Prussia and Russia to refuse their assent to physical coercion; but it is certain that they had the right diplomatically to put such an interpretation upon the treaty. We do not therefore think that M. Dumortier is here on safe ground. Nor can much importance be attached to the argument raised upon the supposed "dissolution" of the Conference. For whether at the period referred to it did really dissolve itself, or merely suspended its sittings during plea-

sure, the Five Powers were equally competent to meet again and to act by virtue of the same rights which they assumed in 1815 and in 1831. The validity, in a moral sense, of the rights assumed at those periods is another matter; but if they then existed, there was assuredly nothing to prevent the Conference assuming them again in 1838.

We have seen, then, that the effect of the final treaty has been to deprive Belgium of half the province of Limburg, nearly half of Luxemburg, and of that portion of Flanders forming the left bank of the Scheldt.

The Scheldt would seem the natural and appropriate boundary between Flanders and Holland, and to have made it so would have furnished an additional security for the continuance of pacific relations between the two countries. But in asserting her claim to this territory, Holland was for once clearly in the right. For the territory in question had been separated from Flanders by the Treaty of Munster in 1648, and the dismemberment was recognised in 1785 by the Treaty of Fontainbleau, concluded between the emperor of Austria, as sovereign of the Netherlands, with the United Provinces. France conquered this left bank of the Scheldt from Holland, and made that river the boundary of the French republic by the Treaty of the Hague of the 16th May, 1795. That cession was annulled by the Treaty of Paris of 1814, which sent France back to her limits of 1792. Consequently, the revocation of the cession of 1795 restored to Holland that which belonged to her in and previous to 1790; and Belgium could have no just claims, by virtue of the cession of 1795, even though Holland continued to hold certain Belgic *enclaves*, because that cession had been formally annulled by the act of France herself. At the same time, however, as we consider that this Dutch Flanders, as a matter of right, belonged clearly to Holland, we cannot but regret that the Great Powers did not find compensatory means of assigning to Belgium the whole of Flanders bounded by the West Scheldt,—for this territory is evidently destined to be united to Belgium at no distant day, by the wants of its inhabitants, and the natural fitness of things.

The case of Luxemburg and Limburg is, as we shall show,

one in which the claims of Belgium have been founded both in justice and expediency; and we deem it our duty to place on record the present protest against the dismemberment of the Belgic nation which has been decreed to take place, as regards those two provinces.

The Belgic provinces, comprising Luxemburg and Limburg, were united under the sovereignty of the House of Burgundy, so early as the fifteenth century. In 1548, the German empire renounced all jurisdiction over these provinces; and the emperor Charles V., by the Pragmatic Sanction of 4th November, 1549, declared them (Luxemburg included) to be thenceforth inseparable. The Act of Cession by Philip II. to his daughter, the Infanta Isabella, dated 6th May, 1598, also guaranteed the provinces against dismemberment. The treaties of Munster (1648) and of Utrecht (1713), the latter of which restored them to Austria, recognised their union; and so especially did the second Pragmatic Sanction of Charles VI., published at Brussels 15th May, 1725, and guaranteed by the Treaty of Seville in 1731, whereby the last-mentioned sovereign bequeathed them, as an integral possession, to his daughter, aftewards the empress Maria-Theresa. The union continued up to the conquest by France, resulting from the battle of Fleurus in 1794, and confirmed by the Treaty of Campo-Formio (1798). The sovereignty of the Netherlands' provinces was always perfectly distinct from that of Austria, or of Spain; so much so, that there was an independent court at Brussels, at which the ministers of foreign powers were received, and amongst them the ambassador of Austria, the emperor being at the time the sovereign of the Netherlands. The court of Brussels was occasionally neutral when the Imperial court was at war; and it is stated by the Count de Merode, (the author of the *Lettre à Lord Palmerston* before us,) that during the war with the emperor in 1733, the French ambassador never left Brussels. History fully warrants the assertion, that from the fifteenth century down to the annexation to Holland in 1815, the Belgic provinces, including Luxemburg and Limburg, were united as a distinct and sovereign state. They had no more relations with the German empire than England has had, by reason of her having been ruled for the last century by Hanoverian kings.

When the Great Powers acknowledged the independence of Belgium, they did so upon a principle which, if valid at all, was as applicable to Luxemburg as to the other eight provinces, whose separation was thus expressly sanctioned. The Conference, while it admitted the right of the eight provinces to throw off the yoke imposed on them by the Treaty of Vienna, fell into a glaring inconsistency when it excepted the ninth province from the exercise of the very same right. Luxemburg, as we have seen, had followed the fate of the rest of Belgium for three centuries: as a part of Belgium, she was annexed to Holland in 1815; as a part of Belgium, she emancipated herself from Holland in 1831. The will of the people of Luxemburg was as decidedly opposed to Dutch government as that of the inhabitants of any other province,—much more so, indeed, than in the provinces of Flanders or of Antwerp. The Luxemburgers aided in the revolution; they have throughout the struggle acted in concert with, and for the same objects as, their countrymen of the rest of Belgium. Lord Palmerston has indeed recently alleged his "belief, from information he had received, that the mass of the inhabitants "of Luxemburg and Limburg did not feel very strongly on "the subject*." We venture to assert that his lordship has been entirely misinformed upon this point. The inquiries which we have carefully made have led us to a directly opposite conclusion, and have satisfied us that the transfer of these inhabitants to Holland is in direct opposition to their wishes and feelings. Does lord Palmerston remember the reception of king William's proclamation of amnesty and protection of the 15th of February, 1831, when the duke of Saxe Weimar was despatched to Luxemburg to take possession of that province as its intended Dutch governor? Not a single inhabitant, except those within the immediate circle of the fortress, returned to his allegiance. The counter-proclamation which the Regent issued at this period was responded to by all hearts in the grand-duchy. "Inhabitants of the "province of Luxemburg," said the Regent, "you are not "strangers to our combats, to our victories; *you have spon-* "*taneously associated yourselves with the Belgic revolution,*

* Speech in the House of Commons, 6th July, 1839.

"*and the names of your volunteers are inscribed in the history* "*of our days.* You already enjoy, as far as circumstances "will permit, the benefits of the revolution..... Reduced "to itself,—separated from Belgium, France and Russia,— "hemmed in on all sides by lines of custom-houses, "your province, by constituting itself apart, would be the "most wretched country on earth. Luxemburgers! re- "main united and firm. In the name of Belgium, accept the "assurance that your brethren will never abandon you." The fact of Luxemburg having taken an active part in the revolution is known to every one at all acquainted with the events of those times, and to no one better than the king of Holland himself; who, from the period of his recognising the *administrative* separation of Belgium from Holland in October, 1830, considered Luxemburg so completely severed from Holland, that he would not permit the deputies from the grand-duchy to sit any longer in the assembly of the states-general. Ever since the fiat of separation went forth from the Conference of London, the people of Luxemburg and Limburg have unceasingly protested against being parted from their countrymen; their deputies have protested in the legislature; their provincial states have protested in their assemblies; and the people have protested in the *communes* by a spontaneous movement, which the Belgic government found it impossible to repress. Let us not be told, then, that the inhabitants of Limburg and Luxemburg are indifferent to their fate. They have done all that men could do to preserve the union which has cemented them with their Belgic countrymen for more than three centuries. The first wish of their hearts is to continue Belgians for better for worse; and these wishes and aspirations are most cordially and universally shared by their sympathising countrymen.

The broad ground, then, of objection to the articles of the Treaty of London, whereby Luxemburg was divided, and half of that province given to Holland, together with half of Limburg, by way of compensation for the remainder left to Belgium, is that the transfer was made against the will of the people transferred. The Conference, however, has attached no weight to the public voice in the matter; it has proceeded entirely upon the assumption, that the rights of the Ger-

manic Confederation over the grand-duchy of Luxemburg were such as could not, for any such consideration, be infringed. Upon this hypothesis, when it was determined to allow a portion of Luxemburg to remain Belgian, it became necessary to substitute for it a portion of another province—Limburg—over which similar rights were to be exercised by the Germanic Diet. The plenipotentiaries of Austria and Prussia, on behalf of the Diet, animadverted in a formal protest upon the threatened refusal of Belgium to restore these territories, pursuant to the twenty-four articles, and claimed of the Conference the restitution of the same, pursuant to the engagements entered into by the Five Powers*. Let us inquire whether the alleged rights of the Germanic body were really such as ought to have fettered the discretion of the Conference throughout these arrangements.

The province of Luxemburg, as we have stated, formed an integral part of ancient Belgium, and had no special relations with Germany previous to 1814. The Belgic provinces, on their abandonment by France in 1814, remained for some little time in a provisional state, until the kingdom of the Netherlands was created by the treaty of that year. They could hardly be said to have been conquered, but were in the military occupation, so to speak, of the Allies. The first time that any mention was made by authority of Luxemburg separately from the other provinces, was in the Prince of Orange's proclamation of the 15th March, 1815, wherein he assumed the title of King of the Netherlands, "adding nevertheless to the title of king that of Duke of Luxemburg, by reason of the relations which that province *is destined to have* with Germany." Thus it appears that, in March 1815, no relations with Germany yet existed, but only were destined to be called into existence. The Allies required of the House of Orange a sacrifice of its German dominions of Nassau-Dillenburg, Siegen, Hadamar and Dietz, which it held by an hereditary title and a peculiar law of succession. But to preserve the ancient connexion between the House of Orange and Germany, it was provided, by a kind of diploma-

* See note A. of 28th November, 1838, annexed to protocol of 6th December, 1838.

tic fiction, that the possessions mentioned should be considered as ceded in exchange for Luxemburg, so that the king might remain a member of the Germanic Body, and that the Nassau law of succession should become applicable to the newly-acquired Grand Duchy. Accordingly, the 67th article of the Treaty of Vienna ran as follows:

"The portion of the ancient Duchy of Luxemburg comprised within the limits hereinafter specified, is equally ceded to the Prince Sovereign of the United Provinces, now King of the Netherlands, to be possessed in perpetuity by him and his successors in full property and sovereignty; and the power is reserved to His Majesty to make, relative to the succession of the Grand-Duchy, such family arrangement between the princes his sons as he shall judge to be conformable to the interests of his monarchy and his paternal intentions. The Grand-Duchy of Luxemburg, serving as compensation for the principalities of Nassau-Dillenburg, Siegen, Hadamar and Dietz, will form one of the States of the German Confederation, and the prince, King of the Netherlands, will enter into the system of this Confederation as Grand Duke of Luxemburg, with all the prerogatives and privileges which the other German Princes may enjoy. The city of Luxemburg shall be considered in a military point of view as a fortress of the Confederation."

William of Orange, as king of the Netherlands and grand duke of Luxemburg, wore nevertheless but one crown, and by the fundamental law of the Netherlands he was precluded from uniting the sovereignty of two distinct states. The second article of that fundamental law applied it equally to the other provinces as to the grand-duchy, "*sauf ses relations avec la Confédération Germanique.*" Luxemburg returned four out of the fifty-five deputies assigned to the southern provinces, and partook of the same laws and institutions as the rest of the kingdom. It is also worthy of remark that the produce of the fine forests of Luxemburg was always applied to the public revenue of the kingdom in general, never having been considered to belong, in any exclusive way, either to the king as grand duke, or to the grand-duchy. The only distinction which was recognised between the law of Belgium and that applied to Luxemburg, was in regard to the succession to the crown. The king's eldest son was his successor in the Netherlands kingdom, which was limited to the heirs general, not only of the king, but of his sister the duchess of Brunswick-Luneburg. But the succession to Luxemburg, following the rule of the Nassau states, belonged

to the king's younger son, prince Frederick, and was more over limited to heirs male, to the exclusion of females. The inconvenience of this state of things was apparent to the States-General, before whom a proposition for purchasing by compensation the rights of prince Frederick, was brought at an early period, agreeably to the intention expressed in the 67th article of the Treaty of Vienna. Accordingly, a law was passed on the 25th of May, 1816, which, in consideration of the loss of his inheritance which prince Frederick would sustain by placing Luxemburg under the same law of succession as the rest of the kingdom, awarded to that prince domains in Breda and five other arrondissements, of the yearly rental of 190,000 florins, to be held by him and his male descendants in the order of primogeniture. Thus the special right of prince Frederick to the succession of the grand-duchy was annihilated and Luxemburg was placed on precisely the same constitutional footing, in this respect, as any other Belgic province.

It has been said, however, that the agnates of the house of Nassau, being the persons contingently entitled in the event of the death of prince Frederic without male issue, possessed rights which were not barred by the compensation made to the prince himself. The Nassau family, it seems, consists of two branches; the younger, that of Otho, being the reigning family of Holland; and the elder, that of Walram, reigning as a sovereign house in Germany. By a family compact between these two branches, made in 1783, a reciprocal right of succession to each other's dominions was established in the male line, according to the Salic law. It was therefore contended that the Walram branch of the Nassaus had contingent rights to Luxemburg, which the Great Powers were bound to maintain; and in a recent debate lord Palmerston laid considerable stress upon this part of king William's case. But a more miserable piece of sophistry has seldom been exposed. The agnates had no *existing* interest whatever in the matter: their rights, if any, depended upon contingencies which might never happen. Where would be the end of international strife,—where the possibility of settling successions, or of making equivalents for ceded sovereign rights—if parties were permitted to interfere for the defence of inheritances, which might by the most remote chance of events

become one day theirs? The reigning families of Europe are all allied to each other by relationships more or less close, and there would perhaps be not a single German prince who could not claim sufficient connexion with the house of Orange to establish a right to interfere with Belgium. There is plainly a point at which the recognition of such rights becomes absurd; and it would be a most impracticable and dangerous principle to hold them to be sanctioned by the law of nations. Nor is there the least reason to believe that any such interests entered into the contemplation of the Congress of Vienna; on the contrary, the compensation recommended in the 67th article to be made by the king, was expressly limited to the case of the "princes his sons:" whereas it would, we presume, have been extended to the agnates also, if they had been considered to possess rights standing in the way of the arrangement pointed out.

The Germanic Confederation, as constituted by the Congress of Vienna, included the king of the Netherlands as a member, in respect of Luxemburg, in the same way as it included the emperor of Austria and the king of Prussia, in respect of such of their dominions as belonged to the ancient German empire. No one, we suppose, will say that the last-mentioned possessions ceased to form parts of Austria and Prussia because they were thus made portions of Germany. Wherein then consisted the difference between their situation and that of Luxemburg, it remains for lord Palmerston to explain; and we challenge his lordship to show that the expulsion of the house of Nassau from the sovereignty of Luxemburg would affect in any way the political inviolability of that province as a part of the Germanic Body. The political existence of the duchy of Brunswick was not endangered by the substitution of duke William for the mad duke Charles; nor is there any reason why Leopold of Belgium should not, as sovereign of the whole of Luxemburg, be as good a member of the Germanic Diet as William of Holland. It was the inviolability *of the state, not of the person reigning,* which it behoved the Great Powers to watch over and preserve.

It is well known that the Germanic Diet has no sort of power to legislate for the internal concerns of the states belonging to it. The Confederation is rather an offensive and

defensive alliance, than a body authorised to make or alte constitutional laws. It had no more right to interpose to prevent Leopold becoming sovereign of Luxemburg, than it would have to prohibit the sovereign power in Austria or Prussi from changing the laws of succession in their respective German dominions. The authority of the Diet was in fact limited to the military occupation of the *fortress* of Luxemburg, which, together with Mayence and Landau, were declared to be fortresses of the Confederation, but without any territorial sovereignty over those places*. The garrison has been occupied by Prussian troops, in pursuance of a convention with the king of the Netherlands†, to whom the Treaty of Vienna gave the appointment of the military governor; and the garrison had never any right to leave the limits of the fortress without the permission of the Netherlands government‡. Consequently, the territorial question has nothing at all to do with the occupation of the fortress. The Belgians have not sought to deprive the Confederation of the benefit of that occupation. On the contrary, they readily assented to the third of the eighteen articles of 26 June, 1831, which stipulated "that the fortress of Luxemburg will preserve its free communications with Germany." They have, moreover, from the first been willing to preserve the relations of Luxemburg with the Germanic Body. The Belgic Constitution, in enumerating Luxemburg as one of the Belgic provinces, makes precisely the same reservation as the former Constitution of the United Netherlands,—"*sauf les relations du Luxembourg avec la Confédération Germanique.*" Under all these circumstances, it is impossible to come to any other conclusion than that the alleged pretensions of the Germanic Diet did not form any good ground for severing Luxemburg from Belgium and that the sovereign of Belgium would have been as capable as that of Holland to fulfil all the obligations under which the province stood towards the Germanic Body.

In spite of these unanswerable reasons, however, the Conference adhered to the opinion, that the inhabitants o

* Treaty of Vienna, art. 67. Protocol of Paris, 3 Nov., 1815, art. 1.
† Convention of Francfort, 12 March, 1817.
‡ See "Mémoire sur la situation politique du Grand-Duché de Luxembourg," annexed to M. Van de Weyer's valuable Report before cited.

Luxemburg ought to remain the subjects of the identical grand-duke to whom they were committed by the Treaty of Vienna. "We found them," says lord Palmerston, "by the "Treaty of Vienna, subject to the grand-duke of Luxem-"burg, and we are not prepared *by an act of violence* to wrest "territories from those states to which, by the Treaty of "Vienna, they properly belonged." Indeed! Then how happens Belgium to be now an independent state? This is a kind of argument which proves rather too much for the consistency of the Conference; and it is a monstrous perversion of facts, to intimate that the Great Powers would have had to wrest Luxemburg by violence from Holland. Luxemburg wrested itself from Holland; and the violence is in sending the people back to a dynasty repugnant to their interests and feelings. The connexion of Luxemburg with Holland will be pretty much like that of Sinbad the Sailor with the Old Man of the Sea. She will stay with him so long as it is impossible to escape his grasp, but the first moment she can shake him off, she will do so, and set herself free.

We have laid much stress upon the disposal of Luxemburg, because the principles involved in it must of course determine the propriety of the other territorial arrangements. The Diet required a territorial equivalent for the cession to Belgium of a portion of the grand-duchy; and such an equivalent was found in portions of Limburg adjoining the Meuse, comprising certain of the old Dutch *enclaves*, and the whole sovereignty of Maestricht, which anciently was divided between Holland and the prince-bishop of Liege. This arrangement was thought to settle very conveniently the pending differences about Maestricht and the *enclaves*; and it introduced Holland, as a sort of wedge, to prevent the contact of the Prussian and Belgic frontiers. But the wishes of the people of Limburg were left altogether out of sight in the transaction. They were treated as quite *adscripti glebæ*. The affair resembled an exchange of estates by two Virginia planters,—the negroes and cattle passing with the land, as a matter of course, to the new masters respectively.

It has not been our intention, on the present occasion, to discuss any other than the territorial differences between Holland and Belgium. We shall therefore not enter into

the question of the Scheldt tonnage duties, so important to European commerce,—nor into that of the adjustment of the debt of the late kingdom of the Netherlands between the two countries. Belgium offered to make a large addition to the share of the joint debt charged upon her by the Conference, as a pecuniary ransom for the cession to her of all her population of Luxemburg and Limburg. Her offers of pecuniary compensation have been unavailing: but it is due to her to record the following note presented to the Conference by M. Van de Weyer on the 19th of January last, not only on account of the conciliatory spirit which it manifests, but as expressing concisely the grounds of her objections to the decisions of the Conference.

"The undersigned, Plenipotentiary of his Majesty the King of the Belgians, hearing that the plenipotentiaries of the other powers were preparing a proposal for the final termination of the difference between Belgium and Holland, begs to call the attention of the members of the Conference to the serious result of separating the provinces of Limburg and Luxemburg. The Belgian government is ready to make the greatest pecuniary sacrifices to bring about an arrangement satisfactory to all. The protocol of the 26th of June, 1831, and the 3rd article of the project in eighteen articles, led Belgium not to doubt its eventual possession of Luxemburg. This led to the acceptance of the treaty by the Congress and of the crown by his Majesty. The 3rd art. reserved the right of the Germanic Confederation in the fortress of Luxemburg; the plenipotentiaries of Austria and Russia must have known that this article would satisfy the Diet; nor had the Diet any reason to object to the duchy being governed by the same Belgian laws which had always remained in force there.

"If Belgium, surprised by an unforeseen attack after having accepted the offered pledges of peace, had not the best of it in arms, and if the great powers, in consequence, did not think fit to follow up the third of the eighteen articles,—if, to avoid a general war, and to put an end to this menacing difference, the great powers thought fit to adopt another project in twenty-four articles, with the declaration that these were their final decisions, and that they would see them executed,—if the Conference thus thought fit in obedience to superior motives to deviate from the project—of eighteen articles,—it is certain that Belgium has a right to insist now on an arrangement conformable to the third article of the project of eighteen articles. This right is founded on the non-acceptance of the treaty of twenty-four articles by the Cabinet of the Hague, on the reserve made even in ratifying these articles, on the pledges of security given since by Belgium to Europe, and on the convention of the 21st of May, 1833, which, putting an end to hostilities, left open a negotiation for guaranteeing to Belgium its neutral state, and to Holland more certain advantages than the possession of a province remote from and averse to it. The undersigned begs also to re-

mark, that it results from the addresses of the Chamber in May and in November, 1838, that the representative body did not consider the government empowered to sign the treaty of twenty-four articles, after the delay of Holland, without fresh communications, and without being newly authorised. The execution of the treaty in separating the territory was possible then, but very difficult now, owing to the long connection, and the ties allowed to spring up. Such are the causes of the general resistance evinced by the country, which ought to be considered as a proof of the independent and neutral spirit of the Belgians.

"The undersigned will now proceed to the question of pecuniary sacrifices.

"The plenipotentiaries of the Five Courts impose on Belgium the annual payment of five millions of florins, established as follows:—

"Law of 9th February, 1818, a capital of	Fl. 14,136,836	
31st December, 1819, ...	23,083,000	
24th December, 1820, ...	7,788,000	
2nd August, 1822, ...	56,902,000	
27th December, 1822, ...	67,292,000	
3rd March, 1825, ...	12,605,000	
Correcting the errors made in 1831, with respect to the Sinking Fund, the annual charge upon Belgium for these sums is to be		Fl. 1,690,000
And for the old Belgic debt, and its part of the Austro-Belgic debt		525,000
		Fl. 2,215,000
The undersigned observes, that this *ought to be* the sole debt charged on Belgium. But by the revival of a non-existing debt, never mentioned in the budget of the United Kingdom, there is charged, as a Franco-Belgic debt, the annual sum of		Fl. 1,000,000
For commercial advantages accruing from navigating the waters of Holland, an annual tribute of		600,000
An account of the *amortissement*, not permitting the liquidation of the *syndicate*.....		1,185,000
		Fl. 5,000,000.

"In this account no allowance is made to Belgium for *matériel* of marine, for colonies, or for moneys paid to the *amortissement* of the purely Dutch debt during fifteen years.

"The undersigned concludes by declaring that he cannot submit to this sum of five millions of florins annual, considered by itself; though taken together with the territorial question, he would not only not hesitate to accept it, but even to offer a capital sum of fifty millions of francs over and above, as the condition of preserving the rest of the provinces."

The sequel will be fresh in the memory of the reader, and we have not space to dwell on the painful internal struggle

through which Belgium was brought to signify her final though reluctant, assent to the definitive treaty of the present year. This treaty has modified the twenty-four articles, by reducing the debt, and in other respects; but it has re-enacted the territorial demarcation prescribed by the treaty of November, 1831, which at the same time it declares abrogated. The 19th of April, 1839, is the date of the definitive treaty, which will be recorded in the annals of Europe as the legal warrant for the dismemberment of the Belgic provinces.

The object of our preceding remarks has been to inquire into the *justice* of the decision of the Great Powers in regard to the Belgic territory. But there are other considerations to which we cannot conclude without adverting, because they point so distinctly at the impolicy of the territorial arrangements as, in our opinion, to preclude all prospect of their permanent stability. The inhabitants of the nominally Dutch portions of Luxemburg and Limburg are, to a man, of the catholic religion, like the rest of their Belgic brethren; and are, moreover, very zealous catholics, deeply influenced by their clergy, and keenly alive to any attack, open or secret, upon their church. Every one knows how largely religion entered into the moving springs of the Belgic revolution; how important an element catholicism is of society in all parts of Belgium. Now, even supposing king William to govern his catholic subjects in Limburg and Luxemburg with a degree of religious toleration, of which we believe him to be incapable, there will still be wanting towards Holland that bond of religious union which cemented them with Belgium in the bosom of the catholic church. They will form, as it were, catholic *enclaves* in a protestant state; they will have learned from experience to mistrust protestant zeal for social ameliorations, to suspect the policy of all measures not entirely congenial to their bishops and clergy; they will inevitably be placed, in regard to Holland, in a similar position to that in which the Rhenish provinces stand toward Prussia; they will share the religious sympathies which the continued persecutions by Prussia of her catholic subjects are so well calculated to call forth; they cannot fail to be excited by the fermentation which will keep working along the Rhine, so long as the Prussian government shall persist in that busy and vexa-

tious spirit of interference which has already alienated the affections of her Rhenish dominions. That the catholics of the Rhenish provinces, or of Luxemburg and Limburg, will be secure from molestation, is impossible, until (what seems very improbable) the Prussian and Dutch governments shall change the policy they have steadily pursued since 1815,—seeking to regulate matters with which governments, as such, have no concern, and, under pretences of liberality, drawing all men's affairs and movements, whether spiritual or temporal, into the common vortex of the despotism of the crown. Regarding, as we do, the tenure of the Rhenish provinces by Prussia as extremely frail and uncertain, the probability may be anticipated of these provinces being aided by Luxemburg and Limburg in any insurrection to which religious persecution may give rise. According to lord Palmerston, indeed, the conduct of the Prussian government is marked by unvarying liberality towards all its subjects*; if so, the deep murmur of discontent which is echoed down the whole course of the Rhine, from Coblentz to Cleves, is a very strange response to so liberal a policy!

Not only do religious considerations strongly oppose the dismemberment in question, but, as regards Luxemburg, the locality of the grand-duchy renders the arrangement a most inconvenient one. Dutch Luxemburg, as constituted by the Conference, is a small territory of a triangular form, bounded on its three sides by Prussia, France and Belgium, and more than forty miles distant from the nearest part of the dominions of Holland. The inhabitants, who are entirely agricultural, are thus excluded by the French and Belgic custom-houses from partaking of the manufacturing and commercial industry of those countries; and unless Luxemburg is to be admitted into the German commercial league, it will be hemmed in also on the Prussian side. The people will of course become poorer than they are, although Luxemburg has hitherto been the poorest part of Belgium, as appears by the electoral qualification having been fixed lower in this than in any other province†. Altogether, the condition of the province will be a

* Speech, 7th February.

† The electoral qualification for Luxemburg is a payment of from twenty to thirty-five florins taxes in the towns, and twenty florins in the communes, whereas in the other provinces the payment reached eighty florins in towns, and thirty in communes.

wretched one. And in such a position has it been placed for the sole purpose of forming an appendage—a sort of exercising ground—to the garrison of Luxemburg. Considering that Belgium had expressly agreed to reserve the rights of the Germanic Confederation to the fortress of Luxemburg, it was plainly superfluous to convert any part of the province into such an appendage. The garrison would have been equally capable of protecting Germanic rights, when surrounded by Belgium, as it can ever be in the midst of these unhappy subjects of Holland.

Finally, if there were no reasons of a religious or economical nature opposed to the separation of these territories from Belgium, and if the principles of strict justice clearly admitted of the proceeding, there would still remain an objection which should not be lightly regarded by the statesmen of our times. We mean, that to deprive Belgium of so considerable a portion of her territory and population (one twelfth part, at least, of the latter) is, in so far, to diminish the prospect of her permanent stability as an independent power. We are among those who set a high value upon the well-being of the Belgian kingdom, not only because it is the seat of an intelligent, industrious, amiable and happy people, but because its free constitution and truly liberal institutions are unequalled in Europe. Not only do we regret that such a state should have been shorn of the smallest fragment of her legitimate territory; but we are convinced that a considerable extension of the Belgic dominions would be most desirable to the peace and equilibrium of Europe. God forbid that the intentions which, at more than one period of history, have been entertained by the Great Powers of partitioning this fair and fertile region, should ever be revived! It is but too true that, during the season of despondency which followed the election and refusal of the Duke de Nemours, a plan of partition was under the consideration of the Great Powers, as a *dernier résort* against amalgamation with France. In March 1831, it was but too probable that the Belgic provinces would have been actually divided between Holland, Prussia and France. A proposition is said to have been even made to England to occupy Antwerp, as her share of the spoil; but that such a scheme could have been for a moment listened to by a British minister is altogether incredible. We

should blush to record, that the British Cabinet had for a moment taken into its serious contemplation the outline of a plan of partition such as that we have adverted to. May Providence protect Belgium for the time to come against all such revolting contrivances!—their unrighteousness can only be equalled by their impolicy. For looking at the mutual fears and jealousies between the Northern Powers and France, it is plain that the best security for peace is the existence of an intermediate neutral state, of sufficient territorial extent and internal force to ensure the respect and confidence of its neighbours on either side, and to enable it to provide under all circumstances for self-defence. The present limits of Belgium are evidently too contracted for her to form so effective a neutral ground as we have described. She ought to have not only the whole of Luxemburg and Limburg and the west bank of the Scheldt, but—we have no hesitation in saying—*a large portion of the Rhenish provinces.* And we fancy we can already see enough into the future of Rhenish Prussia, to inspire us with a belief that the Rhine may, at no distant day, become the Belgic frontier.

The stability of Belgium, as an independent power, is, we repeat, of the utmost moment to the progress of liberty in Europe. She is the natural ally of England and France, not merely by the ties of consanguinity between their sovereigns, but by their common adoption of the great principles of constitutional freedom. As regards her connexion with Germany, her bias will of course be towards the catholic or Austrian party, which, in existing circumstances, we hold to be the liberal side of the war of opinion. Of her well-being internally there is no fear, whilst her citizens are guided by the national motto, "*l'union fait la force.*" May she, above all things, beware of being divided against herself: for it is upon the united and persevering energies of her own people that she must mainly rely, to heal the wounds inflicted on her by the diplomatic dissecting-knife,—biding the time in quietness and confidence, when her own, with increase, will assuredly be restored into her bosom.

Article VII.

England under the Reigns of Edward VI. and Mary, with the Contemporary History of Europe, illustrated in a Series of Letters never before printed. By Patrick Fraser Tytler, Esq., 2 vols.: London, Bentley, 1839.

This book deserves notice on account of its own worth; but, if there be any foundation in truth for certain reports which have reached us, it is far more remarkable on account of consequences to which its publication has unexpectedly led. The author has illustrated the characters, conduct and motives of men in power during the reigns of Edward VI. and Mary, and this he designed to do; but it must be to him a source of no little astonishment, if, unintentionally and indirectly, he should have effected the very different purpose of developing and placing in a new light the characters of individuals who hold public stations at this moment!

The State-paper office, as is well known, has hitherto been accessible to literary men of established respectability, who applied for that privilege, and used it for the purpose of historical research. During his labours in this vast repository of long-neglected materials, to which he had recourse for documents illustrative of Scottish history, it occurred to Mr. Tytler that an acceptable service might be rendered to the literary world by editing certain letters and papers connected with the reigns of Edward VI. and Mary; modernizing the orthography, also commenting on and arranging them in such manner, that his book, instead of being mere patchwork, should possess the interest of a regular narrative. Those readers who take delight in historical accuracy, and those who seek only for amusement, are generally the most opposite characters imaginable; but Mr. Tytler is prepared to gratify both parties; his work, although principally made up of old documents, being as easily readable and almost as entertaining as the pages of a Waverley novel. Instead of the dullness often engendered by researches into a mass of archæological materials, a playful *naïveté* for the most part characterizes his style, and it is obvious that (to adopt his own language) he has "loved the historical muse, not from any

lower motive, but for her own sake." His work is obviously that of a gentleman and scholar, who writes with a mind entirely free from party prejudices, either religious or political, and uninfluenced by self-interest; to whom, certainly, the question never once presented itself whether his publications were or were not adapted to the peculiar tastes and views of individuals connected with the State-paper office.

On general principles, nothing assuredly could appear more improbable than that a book like the one now before us could give offence to any mortal. So bitterly distasteful however, *it is said*, has Mr. Tytler's production been found in certain quarters, that the utmost efforts have been used to prevent his having freedom of access in future to the State-paper office. For such efforts indeed, it may be suggested that there exists *one* very intelligible cause, in the shape of sundry quartos already given to the public, by persons connected with the office, and who perhaps cannot be expected to regard with good-will an author whose mode of treating old papers happens to contrast strongly with their own. But the *on dit* goes further—to the extent even, that the continuance of Mr. Tytler's labours, for the illustration of English history, though not as regards Scotland, has actually been interdicted; and this upon no better grounds than because the work he has already published has not been so fortunate as to obtain the critical approbation of those gentlemen who are officially attached to this public repertory.

Were this *on dit* founded in fact, the supposition (however ridiculous) would then be inevitable, that the late right-honourable Home Secretary had, on the part of her Majesty's Government, reasoned as follows: "We grant that a literary gentleman may have permission to consult and transcribe state papers for historical purposes; but should the works which he may thereafter publish not accord with the views and opinions (self-interests of course must not be named) of the gentlemen employed as keepers of those records, and who have themselves published sundry volumes, we ought at once to interdict his future access to such materials." Inasmuch as we cannot conceive that, by any possible stretch of ingenuity, a determination like this can be reconciled with fairness, or

justice, or common sense, far less with the principles of a liberal minister and enlightened scholar, it is almost superfluous to say that we disbelieve the report, though the mere suggestion of such an interdict as a *possible* occurrence, seemed too remarkable to be passed over in silence. Yet that, in certain quarters, such a decision may have been wished for, we fear is but too possible; and could it have taken place, the result of so novel and unheard-of an act, used henceforth as a precedent, would obviously and inevitably be the absolute closing of the State-paper office in future against the researches of every author who did not wear the badge and possess the sanction of a certain *clique*!

For, be it observed, if there were any plausible accusation against Mr. Tytler, if, for example, errors were imputable to his transcripts, the most effectual check to his future labours would be a public exposure of those errors; this being fully in the power of any official or literary man who is willing to collate the originals with the printed copy, publishing the result of his investigations. And be it remembered also, that, were such charges made, it becomes a bounden duty on the part of Mr. Tytler's accusers, a duty of which the public with right *claim* the fulfilment, that the said charges should be thoroughly investigated; and this upon national grounds, compared to which the interests or tastes of private individuals weigh not even as a straw in the balance. But when we recollect that, according to rumour, Mr. Tytler's future illustrations, drawn from State-paper evidence, are, forsooth, interdicted as regards *English* history, but are still sanctioned as regards that of *Scotland*, the inconsistency and absurdity become so palpable and enormous, that, were it not for the national question suggested by this particular case, we should regret having bestowed so many words on the subject.

With regard to the licence which Mr. Tytler allows himself of modernizing the orthography, obvious as are the objections to this method, we conceive that these lose their force, when the task is in the hands of a practised scholar, a keen antiquarian and conscientious stickler for accuracy and truth. We require the precise words, but surely we need not the bad spelling, any more than the bad hand-

writing, of the original. In documents of particular importance, however,—for example, the autograph diary of Edward VI.—Mr. Tytler has even gone the length of having types cast on purpose to express erasures or ambiguous alterations in the manuscript.

The result of all this is, that instead of giving merely his own notions of the motives and sentiments of his characters, instead of rashly imputing to them purposes which they perhaps never entertained, or following submissively the track of other historians, Mr. Tytler makes his heroes and heroines speak for themselves in their own words, copied from their own handwriting. It may be a truism, but it is an important one, that accuracy among historians is almost equally rare with purity of motive in politicians. Prejudice and indolence sway the former, as passion and self-interest the latter; besides, original documentary evidence is not to be obtained without advantages which few can possess, or without labour which very few can undergo. Yet if the historian happens once to have got a name, his *dicta* are undisputed, and others follow him like a flock of sheep, however inaccurate he may be; indeed the further wrong he goes upon certain points the more likely he is to be credited.

"There are some points in English history, or rather in English feeling upon history, which have become part of the national belief; they may have been hastily or superficially assumed; they may be proved by as good evidence as the case admits of to be erroneous; but they are fondly clung to, screwed and dove-tailed into the mind of the people, and to attack them is a historical heresy."

It is almost superfluous to observe, that for such portions of the national belief the author of the volumes before us has no sort of respect, and that he breaks up such old strongholds without mercy.

If truth be often "stranger than fiction," we may safely add as a corollary, that true history is in itself a severer libel against human nature than any which the satirist ever penned; and surely the arch-fiend himself never contrived more striking examples of the depravity and weakness of men, contending for power and pelf, than are afforded in records left by the actors themselves during these brief reigns of Edward VI. and Mary! Within this period, of only eleven years, fraud,

treachery, avarice, venality, blood-thirsty malevolence, religious zeal displayed in such manner as to indicate that the disputants on both sides were rather possessed by the devil than actuated by the spirit of Christianity—all these and a hundred other hateful characteristics—were developed to their fullest extent, producing a chain of evil deeds and violent punishments, hardly paralleled in any other æra of equally short duration.

"Untainted motives, or perfect purity in public men are rare, perhaps impossible virtues in all times. Under Edward VI. the venality of judges and counsellors was extreme, and there was little affectation about the matter."—*Vol.* i. *p.* 337.

"We may easily imagine the feelings which would be generated in the bosom of a Secretary of State now-a-days, by the arrival of a pipe of claret at the door of the Home Office, with a letter entreating his good help and furtherance for the augmentation of some titled suitor. So completely," adds Mr. Tytler, "are times changed, and so infinitely more delicately are things now done."—*Vol.* i. *p.* 338.

This is a quaint conclusion of our author. The pithy humour of certain old worthies seems unconsciously to blend with his own style, and his accidental remark affords a text from which a long discourse might be preached. It appears thereby that the same things are still done, viz. that the bribes are still given and accepted, which of course is going too far. Yet the proposition slightly modified becomes one with which we thoroughly agree. Vices which were overlooked through use and wont in the sixteenth century, become altogether intolerable as well as odious in the nineteenth. The *quantum* of moral turpitude, however, as indicated positively by bad actions, or negatively by the non-performance of good actions, is, *mutatis mutandis*, nearly the same in all ages. The matter is always there, though the form changes. At one period we burned so-styled witches, and we still imprison debtors. But taking the above passage from Mr. Tytler's work *au pied de la lettre*, would it not be a pleasant and edifying employment for some elderly "*Turn-tippet*" of our own æra to show the gradual refinement of corruption, and explain how much more elegantly a base trick can be played, or a dirty job managed, in the nineteenth than it was in the sixteenth century?

For introductory notices, let what we have already said

suffice, our intention at present being merely to run over the contents of these volumes, that our readers may judge how deserving they are of a place in every library of entertainment or instruction. Nor will the remarks suggested by these old records be wholly without practical worth, for they may at least benefit us, as the spectacle of the drunken slaves was supposed to enlighten the youth of Sparta. At present we perceive how the demons of party-spirit and prejudice, of power and pelf, which are hardly separable, have brought all public business to a dead lock, constitutional principles and the most desirable improvements being cast aside and trampled on in the struggle. In the sixteenth century we find the same destructive causes exhibiting their effects in different forms,—in fraud, treachery, venality and vindictive malevolence, for which it was scarcely thought requisite to wear a mask, and which led to perpetual acts of violence and perpetual change. Business did not stop indeed, for men in office caballed in such manner that they brought each other in rapid succession to the scaffold; so there was a *peripætia* with a vengeance, only alternating from bad to worse.

The plot, which Mr. Tytler divides into three acts or periods, opens with the hurry-scurry incident upon the death of Henry VIII., or we should say with lord Hartford writing despatches at four in the morning, (29th Jan. 1547,) and lord chancellor Wriothesley soon afterwards weeping in the House of Lords, so that he cannot speak articulately. Of noblemen weeping upon state occasions we have several examples in these volumes, which are very edifying. In lord Hartford's first despatches to *his friend* sir William Paget, we have it unequivocally declared that the late king's will is in his (Hartford's) own private keeping, and that he is resolved to be exceedingly cautious in the promulgation of it. In Mr. Tytler's words, he and his immediate associates

"opened it before the king or the parliament were made acquainted with Henry's death, and they held a consultation what portions of this deed were proper to be communicated to the great council of the nation. Hertford himself deemed some parts of it not expedient to be divulged; and whilst parliament and the nation yet believed Henry to be alive, the measures which were to be adopted under the new reign were already secretly agreed on by a faction to whom no resistance could be made."—*Vol.* i. *p.* 19.

The second scene, if we may continue so to speak, is suggested by a letter from Gardiner, bishop of Winchester, dated about a week after the king's death: in this the right reverend father complains that tomorrow, when he and his parishioners "had agreed to have a solemn dirige for our late sovereign lord "and master, certain players of my Lord of Oxford's do intend "to have a solemn play, to try who shall have most resort, "they in game, or I in earnest, which me-seemeth a marvellous "contention."—*Vol.* i. *p.* 21. The bishop, though scandalized at this competition, could not, it appears, find out any certain means either of stopping the play or of preventing the concourse of people thereto; for, as Mr. Tytler again quaintly observes, the grief expressed by my lord chancellor Wriothesley "was not shared by the people, who were unnatural enough "to rejoice on once more feeling their heads secure upon their "shoulders." After the accession of Edward VI. this same weeping chancellor and this facetious but immitigable bishop were looked on as the leaders of the Romish party. In queen Mary's time, alluding to the English exiles who had fled on account of their religion, the bishop elegantly said, "I will "watch their supplies, so that they shall eat their nails, and "then feed on their finger-ends." But "threatened folks," adds the same authority, "live long; and before the confessors "were brought to that bill of fare the bishop was eaten of "worms himself."—*Vol.* i. *p.* 23. During the short reign of Edward VI., when Romanism was at a discount, Gardiner, as it may be remembered, fell into prison, whence in 1549 he complained as follows:

"My lords, I have continued here in this miserable prison now one year, one quarter and one month, this same day that I write these my letters, with want of air to relieve my body, want of books to relieve my mind, want of good company the only solace in this world, and finally want of a just cause why I should have come hither at all."

We introduce his plaint only for the sake of the reception it met with, which may serve as a generic formulary for the style in which persons in power usually treat applications, even from those of congenial character, who have once fallen into distress. "This letter the lords received in good part, laughed very merrily thereat, and said he had a pleasant head, but they took no steps for his enlargement."—*Vol.* i. *p.* 108.

Next comes on the field John Dudley, viscount Lisle, afterwards earl of Warwick and duke of Northumberland, who attached himself with great zeal to that faction which had so quietly made Hartford, better known as duke of Somerset, Lord Protector. That he afterwards should betray and imprison the man whom he had contributed to exalt, and by whom in return he was enriched, might be expected as a matter of course. Such conduct was *à la mode* in those days. We do things not absolutely dissimilar now; only, as Mr. Tytler observes, the management is infinitely more delicate.

During Edward's minority his council took special care to be rewarded for the great labour they bestowed on the affairs of the nation, and did enrich themselves most amply. They had no notion of that sort of patriotism which thinks more of public than private interests; and if they would not attend for nothing, neither would John of Warwick, in particular, devote his energies and influence to the Protector's cause without being well paid for it, and accordingly we find him driving bargains with Paget at the following rate.

"'Master Secretary,' says he, 'perchance some folks will allege considerations concerning the non-assignment of the lordship of Warwick, saying it is a stately castle, and a goodly park, and a great royalty. To this it may be answered the castle of itself is not able to lodge a good baron with his train; for all the one side of the said castle, with also the dungeon tower, is clearly ruinated and down to the ground; and that of late the King's Majesty that dead is, hath sold all the chief and principal manors that belong unto the said earldom and castle; so at this present there is no lands belonging to it, but the rents of certain houses in the town, and certain meadows with the park of Wegenock. Of the which castle with the park, and also of the town, I am Constable, high Steward and Master of the game, with also the herbage of the park during my life; and because of the name, *I am the more desirous to have the thing*; and also I am come of one of the daughters and heirs of the right and not defiled line. I will rebate part of my fees in my portion, to have the same castle, meadows and park. * * * * * And in case they will not condescend to me for the lordship of Warwick, as is aforesaid, I pray you then let me have Tunbridge and Penshurst, that was the Buckingham's lands in Kent as parcel of my portion, with also Hawlden that was my own; and whether I have the one or the other, let Canonbury be our portion.'"—*Vol.* i. *p.* 28.

After this specimen of bargaining, or begging, on the part of a British peer and councillor in 1547, we come to two early letters of queen Mary, which give Mr. Tytler occasion to remark that her majesty's character has been considerably misrepre-

sented. These letters are no doubt prepossessing, and contain applications to the duke and duchess of Somerset for pensions to certain old servants. But we suspect that most people are vastly amiable at one period of life, as kittens are before they grow up into cats, or patriots before they take possession of the treasury benches. Mr. Tytler succeeds very well in proving that the advisers about queen Mary, when in power, were worse than herself, and that by nature she was more weak than wicked. But so desirous is he of clearing away the clouds from her memory, that he even regrets being obliged to admit that she was ugly.

Next, by a short letter of the bishop of Westminster, we are transposed into the thick of the emperor Charles the Fifth's war against the protestants in Germany, when he defeated John Frederic, reigning elector of Saxony. This John was one of the noblest and most heroic spirits that ever existed. Charles, having taken him prisoner, treated him, as a matter of course, with contumely and cruelty.

"The Elector, soon after his being taken prisoner, gave a fine instance of that constancy and sweetness of disposition which could not be overcome by the severest reverses. Charles, immediately after the battle, besieged Wittenberg; in which town Sybilla of Cleves, Frederic's wife, with their children, had hoped to be safe, and which for a while defied the utmost efforts of the imperialists. To terrify the place into a surrender, the Emperor condemned John Frederick to death; trusting that his wife, Sybilla, would purchase his life by the delivery of the town. When informed of the sentence, he had just sat down to his favourite game of chess, and looking up he calmly observed, 'This blow is levelled not against me, but against Wittenberg and my poor wife. Would that Sybilla could bear such news as well as I can! What is the loss or gain of a few days to a worn-out old man? To me the sentence has no terrors! Come, Ernest,' said he, then cheerfully turning to the Duke of Brunswick, his antagonist at chess and his fellow-prisoner, 'come, for all this we shall not lose our game.'"—*Vol.* i. *p.* 62.

From politic motives Charles bestowed the now vacant electorate upon John's brother Maurice, although the latter was a lutheran; for it was the emperor's plan at this juncture to hold out that he warred, not for the sake of religion, but of peace and good order. That this Maurice should, five years afterwards, turn round on Charles and prove his most formidable enemy is no more than might be expected in those times, nor, according to the circumstances of the case, can he be

blamed on that score. John lived to witness, in May 1552, the success of his brother's military talents against the emperor, who was then at Inspruch, in the Tyrol, superintending the deliberations of the Council of Trent. With such secresy and rapidity were Maurice's movements then performed, that

"before Charles had time to retire, Maurice forced the famous passes of Ehrenberg; made prisoners a division of three thousand imperialists who defended them, and had nearly taken Cæsar himself, who was just sitting down to supper. He escaped however; but fled by torchlight from Inspruck with such precipitation that Maurice when he arrived found the imperial banquet still smoking on the table. Nor did the emperor think himself in safety till he had reached Villach in Carinthia."—*Vol.* i. *p.* 263.

Thereafter the magnanimous John Frederic was freed from his long imprisonment by his oppressor, in the vain hope that he would co-operate against his own brother.

It is remarkable that almost all the original *memoranda* about Charles V. are strikingly graphic. At the time when he had deposed John Frederic he is thus described by De Thou:

"The Emperor was mounted upon a bay Spanish jennet, covered with housings of scarlet silk, fringed with gold. He wore a coat of mail which glittered with gold, and had a scarlet scarf over his breast, which is the honourable badge of the house of Burgundy. Arrayed thus, and holding a short broad-bladed javelin in his hand, he appeared not unlike the renowned Cæsar as he formerly passed the Rubicon, when, after having rejected every offer of peace, he placed his hopes in nothing but victory."—*Vol.* i. *p.* 54.

Compare him in this plight with the description of him now first published in Mr. Tytler's second volume, when Charles's fortunes, as a persecutor of the protestants in Germany, were on the wane. Sir R. Morosyne then says,—

"I found the emperor at a bare table, without a carpet or anything else upon it, saving his cloak, his brush, his spectacles and his pick-tooth. * * * * He did not suffer me to go on, but on the least pause that I could make, he did utter unto me in gentle words that he took the King his good brother's letters in very thankful part, saying as well as he could, for he was newly rid of his gout and fever, and therefore his nether lip was in two places broken out, and he was forced to keep a green leaf within his mouth at his tongue's end, a remedy, as I took it, against such his dryness as in his talk did encrease upon him."—*Vol.* ii. *pp.* 135–136.

But, to return to domestic affairs, the career of Thomas lord Seymour, the protector's brother and lord high admiral, comes next under review. It has been the fashion of

historians to extenuate the faults of this nobleman, and to heap all possible blame of cruelty on Somerset, for having at last signed the death-warrant of his own brother. (The king, be it remembered, was *their nephew.*) From the evidence afforded by Mr. Tytler however, or rather we should say by the *ipsissima verba* of the brothers in the letters now first published, we are led to form conclusions somewhat different. In a letter of lord Seymour to his intended consort, queen Catherine Parr, during his courtship, (17th May, 1547,) he sufficiently indicates his craftiness, suspicious temper and ambition.

"'I have not as yet attempted my suit,' says he, 'for that I would first be thoroughly in credit ere I would move the same; beseeching your Highness that I may not so use my said suit that they should think and hereafter cast in my teeth that by their suit I attained your good-will; for hitherto I am out of all their danger, for any pleasure they have done for me, worthy thanks, and as I judge your Highness may say the like, therefore, by mine advice we will keep us so; nothing mistrusting the goodness of God, but that we shall be as able to keep out of their danger as they shall be out of ours: yet I mean not but to use their friendship, to bring our purpose to pass, as occasion shall serve.'"—*Vol.* i. *p.* 65.

On the other hand, the letters addressed to lord Seymour by his brother show the strongest evidence of sincere good intentions. After a calm and kind remonstrance with the lord admiral (Sept. 1, 1548,) for having allowed cause of complaints against him for tyrannical conduct, the Protector thus concludes:

"We would wish rather to hear that all the king's subjects were of you gently and liberally entreated with honour, than that any one should be said to be of you either injured or extremely handled. Such is the *hard affection* we do bear towards you, and so glad we be to hear any complaints of you."—*Vol.* i. *p.* 122.

These last words obviously allude to insinuations which had been made by the lord admiral of unkindness on his brother's part. And on the same 1st of September the Protector wrote a second letter, which is of congratulation on queen Catherine Parr's accouchment. It is such as an unfeeling man or hypocrite could scarcely contrive to pen.

To those who take pleasure in historical controversy, the evidence afforded in Mr. Tytler's work respecting the various plots and plans of the lord admiral will be found very inter-

esting. It should be remembered, that after the death of his royal consort queen Catherine, he aimed at no less than securing for himself the hand of the lady Elizabeth, and he still retained under his guardianship the lady Jane Grey, having plotted a marriage between her and the young king. Among the documents now first published by Mr. Tytler, we find a confession by sir John Cheek, in which that celebrated scholar deposes to the lord admiral having requested him to obtain privately the king's signature to a slip of paper on which were inscribed these words:

"'My Lords, I pray you favour my lord admiral mine uncle's suit, which he will make unto you.' Whereupon sir John says, 'I answered, my lord Paget had given me commandment that the king's Majesty should sign no bill without his hand were at the same before; and therefore I durst not be so bold as to deliver it, nor to cause the king's Majesty either to write it or else to set his hand unto it. He said I might do it well enough.'" &c.—*Vol.* i. *p.* 154.

On the conduct of the Protector at his brother's trial sir J. Mackintosh and Dr. Lingard have both put the harshest construction. Mr. Tytler suggests that their statements would have been very different, could they have referred to the MS. Council-books of Edward, instead of being contented with the Lords' Journals. According to the former, it appears that the charge of being unfeeling and vindictive is by no means justly imputable to the Protector.

But whatever might be the real motives and feelings of Somerset at his brother's trial, his temper and demeanour in the council afterwards became fierce and overbearing; he had many enemies, and the snare was already woven around him from which there was to be no escape, this being visible also to the eyes of every one else, though he himself marked it not. We pass over divers letters on foreign affairs, also some which are illustrative of the early character of the afterwards so notorious Cecil, in order to follow out the fate of the Protector. It is a portion of history hitherto very obscure, and which Mr. Tytler has done more than any one else to enlighten. After the execution of the lord admiral, the next important event in our domestic history was the insurrection in Devonshire and Cornwall, now raging too in the midland counties. The Protector's party and that of his determined enemy Warwick

appeared unanimous on one point at all events. The rebellion must be quashed; and after expostulatory proclamations had been tried in vain, this object was effected summarily enough, the insurgents "having been defeated at Exeter by Russell, "with the loss of a thousand men, and in Dussindale in a still "more sanguinary action by the earl of Warwick. Kett was "hanged on Norwich castle, his brother William on Wynd-"ham steeple, and nine others on the oak of Reformation." —*Vol.* i. *p.* 195. As belonging to this event, there is a letter of the then lord chancellor, Ryche, which is too edifying to be passed over unnoticed. In it his lordship, previous to the trial, not only arranges the best evidence against the defendants, but decides on the most suitable place for their execution. Yet this chancellor has been specially eulogized in Lloyd's "English Worthies," and also in the "Biographia Britannica." Such methods of proceeding, however, with regard to the trials of state-prisoners, were not merely allowable, but considered quite *en règle*, in those days.

So the rebellion was put down; but no sooner was that point carried, than the conspiracy which had been formed to deprive Somerset of his power began openly to betray itself, and he was quickly hurled from his almost regal elevation. In the beginning of September the insurgents were routed: on the 25th of that month we find him still in full authority, but on the 10th of October he is in the hands of his mortal enemies, and on the 13th is a prisoner in the Tower.

The commencement of the conspiracy was plainly enough marked.

"After that these *hurly burlies* were thoroughly quieted, many of the lords of the realm as well councillors as others, misliking the government of the Protector, began to withdraw themselves from court, and resorting to London, fell to secret consultation for redress of things; but namely, for the displacing of the lord Protector. And suddenly, upon what occasion many marvelled, but few knew, every lord and councillor went through the City *weaponed*, and had their servants likewise weaponed, attending upon them in new liveries, to the great wondering of many; and at the last, a great assembly of the said councillors was made at the earl of Warwick's lodging, which was then at Elie Place in Holborn, whither all the confederates in this matter came privily armed, and finally concluded to possess the Tower of London."—*Vol.* i. *p.* 204.

The truth is that Warwick's star was now in the ascendant,

and though the popular feeling in London, at all events, was by no means against the Protector, yet, with the exception of only four or five, all the members of the council were firmly in league with Warwick for Somerset's destruction. How *nobly and amiably* that small minority afterwards acquitted themselves of their duty as true and steadfast friends, Mr. Tytler has taken care to illustrate in the most forcible manner.

The next five pages exhibit the extraordinary and feverish efforts made by Somerset to defend himself against the potent and extensive faction, of whose intention he was at last fully aware. His first step was in the form of a brief proclamation from the king to all his loving subjects, calling on them to repair forthwith to his palace of Hampton Court, "in most de-"fensible array, with harness and weapons to defend his most "royal person, and his most entirely beloved uncle the Lord "Protector, against whom certain hath attempted a most "dangerous conspiracy." The second document of this kind is a longer proclamation, ostensibly written by a friend of the government. This, it appears, was *dropped about the streets of London*, and is inscribed on the back "*read and give it furth.*" It calls on all true Englishmen to beware of a

"sort of *crafty traitors*, which draw at one mark and shoot at another. Weigh their devilish policy. First: whereas they have like bribers, undone and murdered the king's true subjects; and now fearing that the Lord Protector, according to his promise, would have redressed things in the court of parliament, which he shortly intended to have set, to the intent that the poor Commons might be godly eased, and things well redressed; to defeat him of the said good purpose, they now out of mere malice have conspired his death; which done, they will find the means shortly after, to dispatch your most noble liege lord; partly for their insatiate covetise and ambition, and partly to plant again the doctrine of the Devil and Antichrist of Rome."—*Vol.* i. *p.* 208.

At the same time the Protector drew up a short hand-bill in a similar but more guarded strain, which is endorsed "the copy of the bill *sowed amongst the Commons.*"

There was not only this dispersing and *sowing* of bills among the people, but a perpetual fire of letter-writing among both factions, to get each other to assemble and concentrate their forces. The lords, led by Warwick, averred that the king's person was endangered by the treasonable plots of the

lord Protector. The duke on the other side, speaking always in the name of the young king, (who cared not a rush what became of his uncle,) upbraided the lords as the authors of a malignant conspiracy against the crown, whilst both factions determined to appeal to the sword. This appears to have been the state of things on the 6th of October.

But the snare closed in rapidly upon the duke of Somerset, and there came no succour. He had only one chance, viz. to treat the conspiring lords as the country insurgents had before been treated; accordingly he wrote to summon up lord Russell and sir William Herbert, who were still at the head of troops which had been employed against the rebels. But in that quarter, as in every other, Warwick's influence had been beforehand with him. Lord Russell and sir W. Herbert deprecated bloodshed, advised a pacific arrangement of the disputes betwixt the Protector and his council, &c.; but, in short and in plain English, they had entered into a coalition with Warwick.

There was now no mode of defence left, and Somerset had only to think of honourably resigning the protectorate, stipulating merely that his life and liberty, his honours and estates, were to be left to him; all which, as we shall soon see, was solemnly promised. Perhaps he *endeavoured* to believe such promises in spite of his better judgement, for a very slight knowledge of the world would have sufficed for predicting that they were made to be broken. It was quite clear to his opponents that Somerset must resign; but as he still had the king in his power, and had his own armed servants and those of the household about him, his person could not be arrested rashly. Therefore it was necessary that he himself should be deceived by false protestations; that Cranmer, Paget and Smith, who had hitherto adhered to him, should be intimidated or seduced; lastly, that the king's feelings should be moved in their favour by a false account of their motives and proceedings.

For their last deceptive measures they found a willing tool in sir Philip Hoby, who was despatched to Windsor, whither the court had then removed, bearing letters *open* and letters *secret*, together with verbal messages too important to be trusted on paper. Paget and Smith were secretly admonished,

that they must either concur in the gross deception about to be practised on the duke, and lend themselves to measures for securing his person, or else prepare to share his inevitable fate.

The unfortunate Protector had now only four friends around him, and in them he imagined that he could confidently trust. These were Cranmer, Paget, Smith and Cecil. The latter, with his usual inherent cunning, contrived by some means or another to back out of the scrape: sir Thomas Smith alone showed his true nobility and contempt of threats by remaining steadfast to the last. But as to Cranmer and Paget, they not only came over to the party of Warwick, but, with a meanness and duplicity almost unparalleled, they zealously engaged in the betrayal of the persecuted individual, who still reckoned on them as friends. Henceforward every letter which the deluded Somerset wrote was intercepted, or counteracted in its effect, by the very individuals to whom he entrusted it, and on whose fidelity his fate depended. The last scene is, in its way, superb. After a profusion of the most flattering speeches on the part of the amiable sir P. Hoby, (following up the tone of the *open* letters,) after his reiterated and solemn declarations that his party desired no *personal* annoyance or injury of any kind to the duke of Somerset, nor any infringement on his lands or goods, this diabolical farce winds up as follows:—" Upon " this, all the aforenamed there present wept for joy, and " thanked God, and prayed for the Lords. Mr. Comptroller " [Sir William Paget] fell down on his knees, and clasped the " duke about the knees, and weeping said: 'Oh my lord! " ye see now what my Lords be!!'"—*Vol.* i. *p.* 239.

Let it not be forgotten that this kneeling and weeping Comptroller was the identical Paget who had been Somerset's friend and correspondent at the outset of his career. The result is too well known to need dwelling upon. The specious promises were every one broken. The Duke was imprisoned in the Tower, and though his life was then spared yet it was not spared long. As for the king, he betrayed the most perfect indifference on the occasion; and the Protector being got rid of, the next step of course was to reward and enrich Warwick and his titled companions who had brought about the revolution.

With the imprisonment of Somerset ends the first section of Mr. Tytler's work. The next act of the drama is occupied with events betwixt this and the death of Edward VI.

Warwick did not merely practice treachery with regard to the man whom he deposed; he would probably have been unable to carry his point had it not been for the delusive hopes that he held out to the catholic party, at the head of whom was the lacrymose ex-chancellor Wriothesley. But no sooner was Warwick established in power as duke of Northumberland, than he unequivocally manifested his resolution to humour the young king in his abhorrence of Romanism; and the hopes of the catholic party, who expected grand results from the revolution, were blighted.

Near the commencement of the second period, we find that the unfortunate lord Protector was allowed a sort of modified liberty, being permitted to reside in one of his own houses on condition that he never went above four miles therefrom; this indulgence had been bargained for and purchased by his paying a fine of 10,000*l.*! Thereafter it happened that lord de Lisle, Warwick's eldest son, formed an attachment to and married Somerset's daughter. This led ostensibly to a reconciliation betwixt the new and ex-dictator: but those only who are ignorant of human nature, as it manifests itself in public men, would trust to this.

We are soon afterwards presented with a series of letters by sir John Mason, one of the craftiest and cleverest of our then existing diplomatists, and which throw important light on the state of society and politics of the times. Sir John was a statesman who, as Mr. Tytler says, must have had more of the willow than the oak, as he kept in constant favour during the reigns of Henry, Edward, Mary and Elizabeth; and he has left us his own hints to all future trimmers under troubled governments.

"Four things," as he says, "kept him *in* under all the revolutions during the four princes' reigns whom he served. 1. That he thought *few things* would save a man. 2. That he was always intimate with the exactest lawyer and ablest favourite. 3. That he spake little and writ less. 4. That he attained to something which each party esteemed serviceable to them, and was so moderate that all thought him their own."—*Vol.* I. *p.* 283.

His notions on political economy, suggested by a "late

proclamation touching the price of cheese and butter," are humourously given, and in Mr. Tytler's opinion "neither "Smith nor Turgot could have expressed themselves more "clearly on the subject of free trade, and the wisdom of "leaving commodities to find their own unrestricted prices "and level."—*Vol.* i. *p.* 339.

But rather than extract them, we prefer to notice a letter of Hoper, bishop of Gloucester, who has been characterized by Fuller as one of the "sternest and austerest" of queen Mary's victims. He is here addressing Cecil, and fervently advocating the cause of the poor.

"So much as have more than enough," [says he,] "buyeth when things be *good cheap*, to sell afterwards dear. God amend it! It is my bounden duty, and all other true men's, to persuade and teach obedience unto the people; and thanks be to the Lord, I can perceive none other here but love and reverence among the people to the king's majesty, and to the laws; but, Mr. Secretary, it is the magistrates, and their own doings, that shall most commend them, and win love of the people. Ye know what a grievous and extreme—yea in manner unruly—evil hunger is. The prices of things be here as I tell ye; the number of people be great, their little cottages and poor livings decay daily; except God by sickness take them out of the world, they must needs lack. God's mercy give you and the rest of my lords wisdom to redress it; wherein I pray God ye may see the occasion of the evil, and so destroy it."—*Vol.* i. *p.* 366.

This letter of Hoper comes in convenient juxta-position with a paper entitled "Causes of the Universal Dearth in England," wherein occur the same complaints, that the

"most part of victuals be gathered into a few men's hands, who may defer to sell but when they see their most profit. And the third is the king's provisions,—when victual is taken from the poor people that be the breeders, against their wills, and [they] have neither ready money for their wares nor yet so much as it is worth; which discourageth the people to breed, and causeth the price of all things, because there is not plenty of them, to be encreased. Lack of good laws and statutes is *not* the cause of this hurt that cometh by provisions, for there be laws sufficient for that purpose; but because they cannot be put in execution, the let whereof is lack of money."—*Vol.* i. *pp.* 367-368.

Taking up volume the second, we find the first seventy-three pages occupied with an entirely new view of the second downfall and ultimate trial and execution of the duke of Somerset, on whose character such harsh judgements have been pronounced by historians, that Mr. Sharon Turner compares

him to Cæsar Borgia, and Dr. Lingard considers the intention of assassinating the duke of Northumberland as being proved against him. Mr. Tytler, on the contrary, is of opinion, fortified as usual by original documentary evidence, that he "fell an almost innocent victim to the ambition and craft of Northumberland and his faction." According to lord Coke, even admitting the allegations against him to be true, the proceedings nevertheless were illegal; for as there had been no proclamation commanding the duke and his friends to disperse, there could not be any refusal to do so. Therefore, comparing the charges of the indictment with the clauses of the act on which it is founded, he was guilty neither of treason nor felony.

We cannot of course afford room for going through Mr. Tytler's *data* in behalf of Somerset. To a certain extent we think the case is most clearly made out. It appears that Northumberland, mortally hating the man whom he had already injured, (also goaded by fears that his victim, if allowed to live, would revenge himself in ways of which perhaps he never even dreamed,) did at last form a new conspiracy in order to consummate his former plot, and to annihilate utterly the individual whom he had already deposed, fined and degraded. The English aristocracy not being gifted with second-sight then any more than now, this great man had not the remotest thought of the fate that impended over his own head; and, as in the former plot, he had, in the present one also, the cordial co-operation of the catholics, who detested Somerset and were willing to join with any one, whether catholic or protestant, against him.

But, considering the manner in which evidence was manufactured in those days, no wonder need be entertained at the condemnation of any person however innocent. We have already noticed how lord-chancellor Ryche, previous to a trial, arranged the evidence, and desired to know on what spot it would be best to execute the prisoners.

"In state prosecutions of all kinds occurring previously to the Commonwealth, the evidence exhibited to the jury consisted almost entirely of *written* depositions and examinations, taken before members of the privy council, or commissioners specially appointed for that purpose, in the absence of the prisoner who was to be inculpated by them."—*Vol.* ii. *p.* 34.

The interrogatories to be put to the various witnesses were skilfully prepared by the law-officers of the crown, and on the answers afterwards obtained thereto, other interrogatories were cautiously framed to be administered to the party accused. But it might be supposed the jury would at all events be made to hear the *whole* of the evidence afforded by the witnesses; instead of this, "each deposition being dissected "into paragraphs, distinguishable by letters on the margin, "was carefully marked with directions to the officer of the "court to read only certain selected passages." Of this kind of manufactured depositions, a vast number may be seen at the State-paper office, with such marginal notes as the following: "*Read A. and B. only.*" "*Read not this.*" "*Cave!*" "*Hucusque,*" &c. "The prisoner therefore was not only sub-"jected to the gross injustice of an accusation made behind "his back, but by the skilful pruning of the depositions was "carefully precluded from detecting and pointing out to the "jury any inconsistencies in the accusations so made."—*Vol.* ii. *p.* 36.

We have already alluded to the opinions expressed by Dr. Lingard, that Somerset's alleged intention of assassinating the duke of Northumberland had been clearly proved; but the Doctor speaks as if his judgement had been formed on regular *data*; for example, he says, "From their depositions "[viz. of witnesses], if they are to be credited, it seems to "have been the plan of the conspirators," &c. But according to our author, when Dr. Lingard wrote his history, no real depositions of any of the witnesses had been discovered; and up to the present hour, the only depositions brought to light are *two*, which Mr. Tytler has for the first time published in this volume, and which, instead of supporting the Doctor's opinion, strongly indicate the innocence of Somerset. The error of the Roman catholic historian perhaps arose from the inaccurate language used by Carte and by the compiler of Howell's State Trials, the latter of whom speaks of Palmer's, Hammond's and Crane's examinations as if these had been regular depositions of witnesses against Somerset, the delusiveness of which Mr. Tytler amply shows.

If any doubt can still exist about Somerset's non-delinquency, as to the imputed crimes for which he afterwards

suffered, at all events none can be started respecting the character of the young king Edward VI., as evinced by his own expressions on this occasion, viz. by those passages in his autograph diary which relate to the last days of his uncle. In Mr. Tytler's words, "nothing can exceed the cold heartlessness" wherewith his majesty tells the story, which he laconically winds up as follows: "Jan. 22nd. [1552.] The "Duke of Somerset had his head cut off on Tower-hill be-"tween eight and nine o'clock in the morning."—*Vol.* ii. *p.* 11. Apropos of this amiable young monarch's brief statement, we may remark that the calmness demonstrated by Somerset after his sentence, affords in some points a striking contrast to the conduct under similar circumstances of his now flourishing enemy, who suffered a like fate on the same spot about eighteen months afterwards. Herewith we may dismiss this exquisite specimen of human nature.

The next twenty-eight pages of Vol. II. are occupied with some good and entertaining letters respecting affairs in France and Germany, after which we fall again into consideration of the more leading and elevated persons of the drama. We before remarked that the celebrated Cecil had by some means contrived to keep in the back ground, when Somerset in the first instance was betrayed into the hands of his enemies at Windsor Castle; and this cunning *parvenu* now stood in high favour as Northumberland's secretary. But the weeping lord Paget, he who in order to bask in the light of the rising sun so abominably sacrificed his friend, and who there is reason to think contributed not a little, though indirectly, to Somerset's final condemnation, this Paget, we say, met last with the treatment he deserved, being in 1552 tried in the Star Chamber for malversation in his office of chancellor of the duchy of Lancaster, subjected to a heavy fine, and degraded from the order of the Garter.

The next portion of Vol. II. which attracts our notice (principally for its humour and facetiousness) consists of *memoranda* of a diplomatic tour on the continent made in 1550 by sir Richard Morosyne and the celebrated Roger Ascham. Mr. Tytler presents us with an extract of various passages from Ascham's journal which have never before been printed. Take, for example, his description of the queen of France's

dinner, her majesty being then at Brussels, which was one of the ambassador's resting places.

"The queen," says he, "went from mass to dinner; I followed her; and because we were gentlemen of England, I and another was admitted to come into her chamber, where she sat at dinner. She is served with no women, as great states are there in England; but altogether with men, having their caps on their heads whilst they come into the chamber where she sits, and there one takes off all their caps. I stood very near the table, and saw all. Men, as I said, served; only two women stood by the fire-side not far from the table, for the chamber was little, and talked very loud and lewdly with whom they would, as methought. This Queen's service compared with my Lady Elizabeth's my mistress, is not so prince-like nor honourably handled. Her first course was apples, pears, plums, grapes, nuts, and with this meat she began. Then she had bacon; and chickens, almost covered with sale onions, that all the chamber smelt of it. She had a roast caponet, and a pasty of wild boar; and I thus marking all the behaviour, was content to lose the second course, lest I should have lost mine own dinner at home."—*Vol.* ii. *p.* 125.

Soon afterwards we derive some amusement from the appearance in England of the afterwards renowned Scottish worthy John *Knocks* (such is Northumberland's orthography). At one time it appears that the duke zealously wished to get Knox appointed bishop of Rochester; but on their becoming better acquainted, and finding that this reformer was by no means an implement suited for his purposes, the dictator backed out of the scrape with ludicrous expedition, and the notion was wholly abandoned.

We come now to the concluding events in the second period, namely the ultimate plots of Northumberland, and his deserved overthrow. As a remarkable illustration of this man's detestable character, may be noticed a letter which he wrote precisely at the time when he was maturing or had matured his inordinately ambitious plans. It is an exquisite specimen of hypocrisy and cunning. In this epistle, which is addressed to Cecil, he describes himself as a man worn out with and wearied of the world and its iniquities, wishing only for a quiet, humble, and not dishonourable retirement.

"What comfort, think you, may I have," says he, "that seeth myself in this case, after my long travail and troublesome life, and towards the end of my days? And yet, so long as health would give me leave, I did as seldom fail mine attendance as any others did; yea, and with such health as, when others went to their sups and pastimes after their travail, I went

to bed with a careful heart and a weary body; and yet abroad, no man scarcely had any good opinion of me. And now by extreme sickness and otherwise constrained to seek some health and quietness, I am not without a new evil imagination of men. What should I wish any longer this life, that seeth such frailty in it?"

The conclusion is remarkable:—

"But if God would be so merciful to mankind as to take from them their wicked imaginations, and leave them with a simple judgement, men should here live angels' lives; which may not be, for the fall of Adam our forefather procured this continual plague, that the one should be affliction to the other whilst we be in this circle, out of which God grant us all his grace to depart in his mercy."—*Vol.* ii. *p.* 155.

This production, it is true, may have been written under the irritation of temporary disappointment, or perhaps with a headache. Nevertheless it seems to us the letter of a deliberate, systematic, sermonizing hypocrite, who had not the remotest wish to "lead an angel's life," or to avoid cherishing "wicked imaginations;" but who at the end seems inclined to throw all the blame of his own mischievous plots (which doubtless were on his mind at the time) on the "fall of our forefather Adam," though a much nearer cause might have been assigned. This ambitious premier, as Mr. Tytler says, was "not contented with the possession of the greatest power "which perhaps was ever enjoyed by any English subject. "He aimed yet higher; tottered on the highest step of the "ladder, lost his balance in grasping at the crown, and brought "upon himself swift and utter ruin. Yet his plan, as far as "human foresight could reach, seemed artfully and strongly "laid. It is well known."—*Vol.* ii. *p.* 164.

Yes, in one sense it is well known, but we must briefly retrace it notwithstanding. Edward, for whose moral defects the readiest excuse is that he was a weakling in body, became extremely ill in January 1553; and Northumberland, knowing that his majesty entertained a sort of horror at the notion of the Roman catholic party being re-established in England, rightly thought that this was a fitting time to effect all his plans. These, be it remembered, involved the disinheriting of Mary, the acknowledged heiress of the crown, the setting aside of Elizabeth and of Mary queen of Scots, the lineal descendant of the eldest sister of Henry VIII., and getting

the crown fixed by royal will and prerogative on his own ward, lady Jane Grey, descended by the mother's side from the youngest sister of Henry VIII. This promising scheme would be further supported by the marriage of lady Jane Grey to his fourth son, lord Guildford Dudley; whilst at the same time his daughter, Catherine Dudley, was married to lord Hastings, eldest son of the earl of Huntingdon; and lord Herbert, the earl of Pembroke's second son, a nobleman entirely devoted to the duke, was united to lady Catherine Grey. Such alliances were fitted to promote great strength, and the council were mostly his creatures. In May 1553, when the king got a little better, Northumberland artfully proposed his plans, to which Edward conformed with the utmost alacrity, as if the assertion of his prerogative in defiance of acts of parliament had afforded him especial pleasure.

This, no doubt, was a notable and deep-laid scheme, though its author, even without any gift of second sight, might have perceived that success would be of short duration, and that it involved his own ruin. But *quem Deus vult perdere prius dementat*, and Northumberland was blinded. For the second time, Jane Grey, that most unworldly, pure, modest and retiring of all female Greek scholars, she, who of all women least wished for an earthly crown, was fixed upon as the implement of a parasitical, heartless, jobbing politician! There is an *intermezzo* of the farcical kind during the progress of this plot, namely in the conduct of Mr. Secretary Cecil, who perceived clearly enough the risk attending the grand schemes of his patron, the dominant duke, and, to avoid taking any active part therein, was seized with a very convenient fit of illness, which John lord Audley (evidently an old woman) thought himself called upon to cure. So he commences a letter to the right honourable Secretary, as follows:

"Good Mr. Cecil, be of good comfort, and pluck up a lusty merry heart, and thus shall ye overcome all diseases: and because it pleased my good Lord Admiral lately to praise my physic, I have written to you such medicines as I wrote unto him, which I have in my book of my wife's hand, proved upon herself and me both."

The "such medicines" are as follows:

"No. 1. Take a sow-pig of nine days old, and flea him and quarter him, and put him in a stillatory with a handful of spearmint, a handful of red

fennel, a handful of liverwort, half a handful of red nepe, a handful of celery, nine dates clean picked and pared, a handful of great raisins, and pick out the stones, and a quarter of an ounce of mace, and two sticks of good cinnamon, bruised in a mortar; and distil it together, with a fair fire; and put it in a glass and set it in the sun nine days; and drink nine spoonfuls of it at once when ye list." "No. 2. Take a porpin, otherwise called an English hedgehog, and quarter him in pieces, and put the said beast in a still with these ingredients: item, a quart of red wine, a pint of rose-water, a quart of sugar, cinnamon and great raisins, one date, twelve nepe."

This pleasant preparation we presume was to be eaten *ad libitum*, no dose being specified.

"Cecil's disease, however, was deeper fixed than to be cured by soup, formed from the distillation of a sow-pig, boiled with cinnamon and raisins, or a compost of a porpin, or hedgehog, stewed in red wine and rose-water. It was Northumberland's plot that troubled his digestion."—*Vol.* ii. *p.* 170.

In those days, as now, it appears that there were a very few men in office who would make a fashion of stickling for right and justice, but, if skillfully attacked, their firmest resolves soon gave way. On the 11th of June, 1553, the lord chief-justice Montague received a letter summoning him to attend at court, and to bring with him sir John Baker and Mr. justice Bromley, also Gosnold and Griffin, who were then attorney- and solicitor-general.

The old chief-justice was then informed by the king of his determination that the crown should not go to the lady Mary, who might alter the religion. The judge immediately replied that such a decision would be illegal, and contrary to act of parliament, by which the succession had been irrevocably fixed. But his lordship's remonstrances and qualms of conscience were in vain. He asked time to reflect on the matter, and was allowed one day; but delay availed him not. He, like all the rest of the council, with the solitary exception of sir James Hales, became at length convinced that "it was "better to keep their heads on their shoulders, and their "places, than to be executed as traitors, or at least degraded "from their stations." So they at last all signed the articles which Northumberland and the king had prepared, Cecil also included, sir James Hales alone refusing to the last.

We have next a few letters about foreign affairs, and then comes the *finale*, the catastrophe to Northumberland's deeply-

woven plot. Edward died, and the premier and his party proposed to keep this event concealed for a week, within which time they would imprison the ladies Mary and Elizabeth; and thereafter, by mere force, (law was out of the question,) they would manage the government as they chose. Mary, however, was privately informed both of Edward's death and of the snares laid for herself, and she resolved to keep personally out of harm's way until sufficient forces had mustered for her defence. She wrote however, expressing her astonishment at not having been proclaimed queen, and demanding her rights; to which Northumberland replied, that she had better submit with a good grace to acknowledge lady Jane Grey as her lawful sovereign.

The infatuated duke had meanwhile taken possession of the Tower, with all its arms and munition, and therein lodged lady Jane Grey, who had been duly proclaimed queen. Never on earth was a state plot so rapidly developed and ended. On the 6th of July Edward died. Within ten short days (that is, on the 16th) Mary saw herself at the head of 30,000 armed men. Northumberland had set out from London with the intention to annihilate this force; but on learning its extent and position, for which his own troops were not a match, he moved slowly, wavered, recoiled; and as nothing but a rapid and desperate advance could have afforded him any chance, on his side all was irredeemably lost.

No weathercock in a storm could whirl about more rapidly than Northumberland's party when they saw that his doom was fixed; and their subsequent attempts to recover from the effects of the blunder, by pleading the most abject recantation, are truly ludicrous. He himself, who if not bereft of reason must have seen there was no hope, yet endeavoured to make his peace by forthwith proclaiming queen Mary! He might have spared himself this unwilling demonstration of loyalty, for he and his associates were forthwith imprisoned in the Tower, whilst the blameless lady Jane Grey was at first permitted to retire from thence to Sion House.

Amid such tempestuous confusion the actors had of course no time for writing, and the most remarkable paper which Mr. Tytler gives us as connected with these events is a corrected copy of Cecil's defence, entitled "Brief note of my

submission, and of my doings," the original of which is in the Lansdowne collection at the British Museum. As an exhibition of duplicity, selfishness, cunning and effrontery, the contents of this precious document could scarcely be excelled by any of the confessions extracted by cross-examination at the Old Bailey. He was implicated in Northumberland's plot; *this* could not be denied; but forsooth he "*misliked* it all the while;" and his drift now is to prove, that whilst apparently working *for* Northumberland, he used every practicable means to betray and break up the cause which he ostensibly supported!

"'First, my submission with all lowliness that any heart can conceive.

"'My mistaking of the matter when I heard it secretly; whereupon I made conveyance away of my lands, part of my goods, leases and raiment. I refused to make a proclamation, and turned the labour to Mr. Throckmorton, whose conscience I saw was troubled therewith, misliking the matter. I dissembled the taking of my horse, and the rising of Lincolnshire and Northamptonshire, and avowed the pardonable lie, where it was suspected to my danger. I practised with the L. Treasurer to win the L. Privy Seal, that I might by the L. Russell's means cause Windsor Castle to serve the Queen; and they two to levy the west parts for the Queen's service. I purposed to have stolen down to the Queen's Highness, as Mr. Gosnold can tell, who offered to lead me thither, as I knew not the way. Finally,' says he, 'I beseech her Highness that in her grace I may feel some difference from others that have more plainly offended.'"—*Vol.* ii. *p.* 194.

Truly if the establishment of his own reputation as an unprincipled and mendacious truckler could procure him the queen's favour, this defence must have been amply sufficient. "Such little beings," observes Mr. Tytler, "are our greatest men!" In other words, such are the materials which have too often composed the characters of successful politicians, whom the world is pleased to call great. We forget not the alacrity with which this eminent and belaureled statesman, on a future day, carried into effect Elizabeth's order for the execution of Mary at Fotheringay, a duty from which others had recoiled. But he was on safe ground then; and it was only when personal risk threatened, that his lordship of Burleigh wished to back out from the support of any proceeding, however iniquitous and abominable.

We have already contemplated with extreme disgust the gross deception and falsehood which were practised by North-

umberland and his adherents in order to get rid of Somerset. Precisely similar and equally repulsive was the scene exhibited now. On the departure of Northumberland with his troops, to annihilate those of queen Mary, the Council kept up to the last the appearance of perfect confidence and attachment. The last of them that he spoke with was the earl of Arundel, who "prayed God to be with his Grace, saying he felt sorry "it was not his chance to go with him and bear him company, "in whose presence he could find in his heart to spend his "blood, even at his feet." This was on the 12th of July. But no sooner had Northumberland disappeared, than "good Mr. Cecil" began most actively to plot for his demolition, and immediately prevailed on this eloquent and life-despising earl of Arundel to join him. By the 19th of the month, all those members of the Council who had so solemnly engaged to support Northumberland's plot were most busy in proclaiming queen Mary at Charing Cross. From this diabolical farce we shall take the following scene. On the 21st of July

"came the Earl of Arundel from the Queen to the Duke into his chamber, who went out to meet him, and as soon as he saw the Earl of Arundel he fell on his knees, and desired him to be good to him: 'For the love of God, consider,' saith he, 'I have done nothing but by the consents of you and all the whole Council!' 'My Lord,' quoth the Earl of Arundel, 'I am sent hither by the Queen's Majesty, and in her name I do arrest you.' 'And I obey it, my Lord,' quoth he. 'I beseech you, my Lord of Arundel,' quoth the Duke, 'use mercy towards me, knowing the case as it is.' 'My Lord,' quoth the Earl, 'ye should have sought for mercy sooner; I must do according to my commandment.' And therewith he committed the charge of him and of other to the guard and gentlemen that stood by. Such," Mr. Tytler adds, "was the conduct of this noble earl, who but a few days before had assured Northumberland, in the name of the whole Council, not only of their inviolable resolution to keep their oaths to Queen Jane, but of his own particular anxiety to shed his blood at his Grace's feet!"—*Vol.* ii. *p.* 208.

And thus terminates period the second.

So full have been our notices of these first and second parts, that we have not left room to analyze the concluding section, which contains the reign of Mary. But the trial of Northumberland must not be passed over in silence. This took place in Westminster Hall on the 18th August, 1553, when the duke of Norfolk sat as high steward. On leading points the prisoner's guilt was incontestable; but with great

reverence to the judges he requested their opinion upon two specialties. First, "whether a man doing any act by au-"thority of the Prince and Council, and by warrant of the "great seal of England, and doing nothing without the same, "may be charged with treason for any thing he might do by "warrant thereof?" Secondly, "Whether any such per-"sons as were equally culpable in that crime, and those by "whose letters and commandment he was directed in all his "doings, might be his judges, or pass upon his trial as his "peers?" Alluding as he did, to the last will, duly signed and sealed, of king Edward as his warrant, the duke well knew that these questions, if duly weighed, were both pertinent and puzzling. But the judges were not under any absolute necessity to perplex themselves about the matter. They could evade the questions, and they did so. Hereupon he saw there was no hope from any legal defence, and he could only sue for mercy, which he afterwards did in various ways, and at last in the most abject manner, praying for life, only for life, "*yea the life of a dog, if he might but live to kiss* "*the Queen's feet, and spend both life and all in her honour-*"*able service!*"—*Vol.* ii. *p.* 229. It is superfluous to add, that this appeal, however affecting, did not excite even the remotest symptoms of mercy, and the law took its course.

In the third period our author has purposely abstained from entering on the subject of the Marian martyrs, which is so voluminously treated by his precursors; but he has thrown much new light on circumstances attending and following the queen's marriage with Philip, her miserable weaknesses both mental and bodily, and *malgré cela* her highly spirited conduct on occasion of sir Thomas Wyatt's conspiracy. There are passages, too, regarding that most innocent of victims lady Jane Grey, and that model for politicians (so the crafty *parvenu* has actually been styled), Mr. Secretary Cecil, which we should willingly have extracted, but the object which we proposed at the commencement has already been fulfilled. According to an obsolete though sometimes useful fashion among reviewers, we have "given an account of the book," thus apprizing our readers what they may expect from Mr. Tytler's new mode of treating old papers, and from his present volumes in particular, which, recollecting his other historical under-

takings, we may liken to minor ornaments devised and executed during the progress of an extensive building. We trust that these will be followed up by illustrations, in a similar style, of the reigns of Elizabeth and James I., respecting which the vast store of unpublished letters and *memoranda* affords admirable scope for the exercise of this author's talents and industry.

Article VIII.

Measures to be adopted for the employment of the Labouring Classes in Ireland, &c. By A. H. Lynch, Esq., M.P. London, Charles Knight and Co. 1839.

We have, in our preceding numbers, advocated some of those legislative measures which appear to us requisite for improving the condition of the Irish people; and although we have felt a temporary disappointment at the delay attending the adoption of the system of railways, recently under the consideration of the House of Commons, yet we do not "bate a jot of heart or hope" in our confidence, that the attainment of that great object, for which we have earnestly laboured,—the development of the immense resources of that long-neglected country, and the employment of her people,—is neither doubtful nor distant. When the Poor-law Act was passed, the corner-stone of Irish improvement was laid. That important measure will re-adjust the disturbed relations between landlord and tenant. The poor will be inspired with the invigorating confidence, that the unavoidably indigent shall receive protection, and the owners of property will be impelled, by motives of private interest as well as public duty, to bestow that attention upon the labouring classes which is so essential to order and improvement in a rural community. The negligent will be corrected, the obstinate controlled, the supine spurred into exertion, and the wholesome influence which the better classes are so

capable of exercising, for promoting good and restraining ev
will be universally called into action.

It is not likely that any of the Irish peasantry will se
the protection of the new law, save such as are really des
tute; and a mode of employment for this class of persons
who "ask their fellow-men to give them leave to toil
becomes an object of paramount and pressing importance
When the means of active and independent exertion are ob
attained, the greatest impediment to the free motion of t
social wheel will be removed; every approach that the Iri
peasant shall make towards independence will serve as
stimulant to fresh exertion,—he will become a new m
when he ceases to live on "hoping," and has shaken off t
paralysis of despair,—and with the improvement of h
physical condition, that of his moral and social habits is su
to follow. Let order and comfort take up their abode in o
peasant's cottage, and it will become a centre of civilizati
to the entire district.

We have already entered, at considerable length, into wh
we consider the first duty of the state, in giving the impul
to active industry in Ireland, by means of improving intern
communication; and we have shown that, according to t
great moral law, which is equally applicable to states as
individuals, this, its first duty, is also its chief intere
Montesquieu, in his Spirit of the Laws*, observes, "
"homme n'est pas pauvre parcequ'il n'a rien, mais parceq
"il ne travaille pas;" and Blackstone has declared that "the
"is a plan more humane than the feeding and clothing
"millions, by affording them the means, with proper i
"dustry, to feed and clothe themselves†." It is to th
plan we now solicit attention, in reference to those tw
sources of productive labour in Ireland; 1st, the more gen
ral introduction of an improved system of husbandry, an
2nd, the reclamation of waste lands.

The state of society in Ireland has attracted a considerab
portion of public attention of late years. Committee aft
committee has been appointed by both houses of parliamen
and report has followed report in quick succession, containi

* Livre xxiii. ch. 29.

† Commentaries, vol. iii. p. 432.

the most extensive information on this subject, and offering a rich storehouse of facts, not less worthy the attention of the philosopher than the consideration of the statesman. It is said by Lord Bacon, that "it is good to commit the be-"ginnings of all great actions to Argus, with his hundred eyes, "and the ends to Briareus, with his hundred hands*." Her majesty's government have followed the first part of this wise counsel with respect to Ireland, and have reaped an abundant harvest of information; but we have yet to discover that celerity in the execution of those measures for the improvement of that country which we have a right to expect, as the sequel of so much and such lengthened inquiry. The recent volumes, to which the Select Committee of the Lords, on the motion of Lord Roden, has given birth, fully confirm the evidence of the Commissioners of Poor Inquiry, that illegal combinations in Ireland have been caused by the scarcity of cultivated land. We never, in sober reason, perused evidence more clear and convincing than that collected by the Commissioners of Poor Inquiry in proof of this fact, and, consequently, which required confirmation less,—evidence collected on the spot, from men of all parties and classes, and corroborated by the unanimous and reiterated assertions of the Assistant Commissioners, who presided at the inquiry, —sensible and upright Englishmen, free from any local bias, above suspicion of partiality or injustice, and without a motive for asserting that to be proved which was not so; who published the evidence upon which they came to their conclusion, who had an opportunity of observing the quality, understanding and inclination of the witnesses, who examined and cross-examined, and adopted every possible mode of sifting out the truth.

The evil complained of saps the foundations of society; it is therefore the first duty of government to remove it; while every proprietor in Ireland owes it to his country, his friends, his posterity, and himself, to assist the government to the utmost of his power in the attainment of this important object. If the fact be therefore established, that such combinations in Ireland are agrarian, and arise from the scarcity of

* Essay 22.

cultivated land, it is surely the duty of the proprietors to promote the introduction of an improved system of husbandry, which will increase the produce of lands in cultivation,—and of the government to use every proper means to render available to the wants of the people the large portion of waste lands which are capable of reclamation.

Ireland is said to be essentially an agricultural country, and England a manufacturing one; and yet so little does the former yet understand of her own trade, that there are few countries in Europe so deficient in a knowledge of the first rudiments of the science. In England, agriculture is far from having reached that perfection of which it is susceptible; yet skill, combined with labour, have much increased of late years the productive powers of her comparatively inferior soil, every species of which has been the subject of repeated chemical analysis. The application of bone manure to the Wolds of Yorkshire has raised the value of limestone land, in that district, from 7*s.* or 8*s.* to 20*s.* an acre, since 1820. Light lands, heavy lands, clay, limestone, and loam,—each have undergone an improved system of management and cropping, and capital has been expended upon them to an extent of which the Irish farmer can form no conception.

Mr. Cayley, in his evidence before the Committee of the Lords on Agriculture, in 1836, laid some accounts before them, showing the expenses and profits of cultivating land in England. One of these was in respect of a farm in the North Riding of Yorkshire, containing 104 acres of tillage and 155 of sward, which, it was stated, required a capital of 2500*l.* to carry it on. On the 24th June, 1837, there was a return ordered by the House of Commons of the sums insured by each fire-office in the United Kingdom, on farming stock exempt from duty, for the year 1836; by which it appeared, that the sums so insured in England amounted to 43,086,207*l.*; in Scotland, to 5,555,386*l.*; and in Ireland, they only reached the amount of 179,832*l.* This return affords a striking example of the inferiority of Ireland in that branch of industry on which she so essentially depends.

The condition of the agricultural population of Ireland is decidedly worse than that of any other in Europe, with the ex-

ception perhaps of that of the departments of La Vendée and La Loire Inférieure in France, which they much resemble. It is curious to trace in these departments the same causes in operation which we find in Ireland, producing in both the like lamentable results. In La Vendée, the farmer has little or no interest in his holding, the lettings being generally from year to year. The farms are very small; the tenant is without capital, has little or no stock, can seldom procure manure, and is generally obliged to take from the proprietor, at a greatly enhanced credit-price, the portion of buck wheat and rye which he requires for seed. To discharge this debt and pay his rent, he gives up the greatest part of his crop to the proprietor, retaining what is barely sufficient to feed himself and his family. His land every year becomes more and more impoverished; he has no motive for exertion, is ill provided with agricultural implements; his wheat is half destroyed with smut; and although lime is at hand, by the application of which this disease might be prevented, he has no means of procuring it; his fields are full of weeds, yet he is so disheartened, that he makes no exertion to root them up. He is badly clothed, badly fed and miserably lodged, generally sleeping in the same apartment with his cattle, when he has any. There, as in Ireland, is to be seen a great quantity of waste land, which might be easily rendered productive, but for the neglect of the proprietors and the idle habits of the peasantry, combined with the bad state of the roads in some places, and the total want of them in others. On the right bank of the Loire, the wastes comprise nearly one-fourth part of the country, and are covered with a dwarf heath, upon which a few miserable sheep are fed. But even here the proprietors are beginning to understand that their own prosperity is closely interwoven with that of their tenantry. They have begun to lengthen leases, and thus to give the tenant a greater interest in the improvement of the land; to supply the requisite manure or a portion of it; to furnish the stock necessary for the farm; and, in some cases, to enable the tenant to provide these requisites and agricultural implements of an improved description by means of loans. The government also has recently interposed to rescue this portion of France from the neglect and consequent misery it has experienced. Roads have been constructed, at

the expense of the state, which have increased the value of lands by two-thirds at least in the districts where they have been made. The improvement in the condition of the people has introduced more provident and thoughtful habits, and the country is in a rapid progress from barbarism to civilization*.

It has been urged, in answer to the assertion of Ireland being backward in agriculture, that the exports of corn have increased considerably of late years. This, however, is entirely owing to the pressure of the population upon the grass land, which being in course of conversion into potatoe ground naturally prepares it for corn. The greater quantity of corn exported is no evidence therefore of an improvement in agriculture, or in the condition of the farmer, because it does not arise from the increased amount of labour bestowed on a given surface, but on the greater extent over which it is applied. The Irish are generally as ignorant of the physical capacities of the soil, and of the art of increasing its productive powers by means of the skilful application of capital and labour, as they were a century ago. It is the custom to invest capital in grazing rather than in agriculture, which requires less skill and is found more profitable. The inducement is not less strong at present upon the proprietors to keep as much land as possible in pasture than it was in 1727, when an act was passed requiring all persons who kept in actual occupation a hundred acres of land to till five acres at the least, under a penalty of 40*s.* per acre†. This act recited, that "several persons in this king-"dom keep great quantities of land under stock, to the great "discouragement of tillage, and manifest prejudice of the poor "of this kingdom‡." At that period Ireland imported corn to a considerable amount. A few years afterwards the Dublin

* See Reports from Mr. Newman to John Bidwell, Esq., in answer to queries from the English government as to the state of agriculture in La Vendée, &c. Parliamentary Paper, 8th March, 1836.

† 1 Geo. II. c. 10.

‡ Spenser, in his day, held this to be a cause and sign of the want of civilization in Ireland; he says, "To say truth, though Ireland be by nature accounted a great soil of pasture, yet had I rather have fewer cows kept, and men better mannered, than to have such huge increase of cattle, and no increase of good conditions. I would, therefore, wish that there were some ordinances made amongst them, that whosoever keepeth twenty kine, should keep a plough going; for otherwise all men would fall to pasturage, and none to husbandry."—*View of the State of Ireland.*

Society was established, to which were annually confided parliamentary grants for the encouragement of agriculture. By this means and the stimulus of bounties, Ireland had ceased to import, and began to export corn about the year 1778; the quantity exported in 1790, had reached 112,256 quarters of wheat, and 312,993 quarters of oats. The annual quantity exported is now increased six-fold; but this has not been accompanied by a corresponding improvement in the system of cultivation, which is now much the same as it was when Arthur Young described it in 1778. He says in his tour*,

"Tillage in Ireland is very little understood. * * * The bounty upon the inland carriage of corn has increased tillage very considerably, but it has nowhere introduced a better system; and to this extreme bad management of adopting the exploded practice of a century ago, instead of turnips and clover, it is owing that Ireland, with a soil, acre for acre, much better than England, has its products inferior. But keeping cattle of every sort, is a business so much more adapted to the laziness of the farmer, that it is no wonder the tillage is so bad; it is everywhere left to the cottars, or to the very poorest of the farmers; and were it not for potatoes, which necessarily prepare for corn, there would not be the half of what we see at present. Profit in all undertakings depends on capital; and is it any wonder that the profit should be small when the capital is nothing at all? every man that has one gets into cattle, which will give him an idle, lazy superintendence, instead of an active, attentive one."

What mighty additions have been made to the comfort and happiness of man since the period at which he wrote, what skill and perfection has industry achieved in every useful pursuit, what noble enterprises have been undertaken, and to what noble ends! Yet the state of Irish agriculture, and the condition of the mass of the Irish people, remains just as it was when Young wrote his tour, and centuries have passed over the peasant's hovel in vain.

One of the most prevailing defects in the system of Irish farming is the neglect of draining, without which it is impossible to clear the land. This is partly owing to the ignorance and apathy of the tenants themselves, and partly to the absence of that union amongst the tenantry of a district which is necessary to effect it. The operation of weeding is also very inadequately performed. The farmers are almost entirely unacquainted with a proper rotation of crops, so es-

* Appendix, p. 12.

sential to a profitable course of agriculture, their object seeming to be to get all they can out of the land in the shortest period of time. They generally commence by letting it to labourers for con-acre potatoes, and the farmer either ploughs, manures, and seeds it, when the rent usually amounts to 12*l.* an acre; or he only ploughs and manures the land, and the labourer seeds and works it, paying to the farmer in that case from 6*l.* to 8*l.* an acre. After this follows a succession of corn crops, beginning commonly with wheat, and continuing with barley or oats, until the powers of the land are completely exhausted, when it is sown with grass-seed or allowed "to run to waste." After a few years' rest, it is again broken up and the same exhausting operation is performed, the soil becoming more and more deteriorated every year, and requiring a longer period of rest. The fences in a great part of Ireland are generally in such a state as to offer little obstruction to cattle attempting to trespass. Gates are seldom seen, except on the domains or fields of proprietors or large farmers. The entrance is commonly closed with loose stones, —which are thrown down when requisite and built up again: sometimes, indeed, the more ingenious devise a piece of bog timber, which is thrown across the opening and is more easily managed than stones; and those who would be very secure and orderly generally place a car or cart in the *gap*.

By con-acre is meant land which has been manured for a crop of potatoes,—or pasture which has been broken up for the purpose, and let to the labourer for a single crop at a high rent. This system has arisen from the scarcity of land, and the difficulty of obtaining employment. The portion of time which the labourer employs in preparing this crop he could not otherwise dispose of. He sometimes hires the stubble land for this purpose,—for which he generally pays 4*l.* per acre, while the farmer, besides, receives the land in such condition, after the manure is laid on by the cottier, as to yield a remunerating crop of grain the succeeding year. The system extends over the entire country, varying however in degree in proportion to the density of the population. From the want of employment it constitutes the sole means of the labourer, and it undoubtedly has a tendency to increase the population, as it is considered that a man

who has a rood or two of con-acre is in a condition to provide for a family. But it is based on the mutual wants of the farmer and the labourer, and must continue so long as the former shall be without capital to pay for labour, and the latter without any certain remunerative employment. The cottier tenants who occupy the smallest portions of land pay the highest rent; but it is esteemed a mark of favour to obtain a preference when a small farm is to be let, for which the tenant is generally selected, and he willingly submits to the rent that is fixed. When a large farm is out of lease it is probably advertised in the newspapers, but it is quite unnecessary to look for bidders for a small one, as multitudes of poor people will offer any rent for it. The cottier does not obtain a maintenance for himself and his family from the land, and is dependent for his existence on the con-acre. He holds only from year to year. He never indulges a hope beyond his meal of potatoes, and accumulation of capital is out of the question. Nearly all the occupants of land, be it ever so minute, marry notwithstanding. On the barony of Kilconnel, in the county of Galway, the Assistant Commissioners of Poor Inquiry only found, amongst the numerous witnesses belonging to the poorer classes, two persons of mature age who had remained unmarried. One of them possessed an acre and a half of land, and being a good workman, and in particular a dexterous mower, his earnings were beyond the average of other men in his situation: he stated that he had remained single because his parents being dead when young, the support of his brothers and sisters had devolved on him, and he could not consequently afford to marry. The other was a person whose parents had been in better circumstances, —and remained single because he could not afford to marry, —although he stated that "he certainly often felt very lonely, as he had no companion but his dog*." It was also generally stated, that the greatest number of marriages were reckless ones; and that as people improved a little in condition, they became less inclined to marry.

There is a systematic junction of farms in progress almost universally, which will lead to good results, and which is in

* Appendix (F.) to 1st Report of Commissioners of Poor Inquiry. 1836.

general effected without recourse to harshness, although there have been many examples of the contrary. The small holders commonly receive a sum of money as compensation for the loss of their farms, or they are offered locations on the unreclaimed part of another estate, with assistance towards building a house. The new system is to unite small holdings into one of ten acres, which it is expected will far exceed the united produce of those of which it is composed. One certain improvement has been noted in these cases,—that the farmer generally finds full occupation at home upon this quantity of land without seeking for labour abroad. But he manages his crops little better than the persons he has succeeded. The change to larger farms tends, however, to decrease tillage, more profit being derived from feeding cattle than from the injudicious course of cropping which is practised; and this is one of the countervailing evils of consolidation, which can only be remedied by the introduction of a productive system of skilful husbandry.

Another cause of the miserable state of cultivation in Ireland arises from tenancy in common. Where this prevails there can be no good fences, as the cattle of the joint tenants are permitted to roam where they like, which is a complete bar to raising wheat, or winter food for cattle. The partners have no fixed interest in the common land—they cannot even tell what portion of it they may have the next year. There is a constant system of changing amongst them, which leads to much contention. The object landlords are supposed to have had in view in granting this tenure is, that one partner is answerable for the rent of all, and it often happens that the most industrious is made to pay for the rest, and left to his chance of raising the proportions from the other partners as best he can. This is called farming in Co., and no system could be devised so certain to impoverish both the land and the tenant. It is however becoming less frequent every year, as the farmers are now universally desirous to possess their holdings separately.

The absence of the protecting influences of a vigilant proprietary is one of the worst ingredients in the caldron of Irish misery. Where the landlord discharges the duty which he owes to his tenantry, an improvement in their condition

is the certain result. The improvements on an estate which are suggested by the ordinary supervision of the owner of the soil, afford ample employment to the labouring classes. In times of difficulty the tenantry are assisted, and the several establishments for charitable or useful purposes supported, from which the most important benefits are derived. The tenant is encouraged to exertion under the fostering care of his landlord, and in many cases supplied with such assistance as he may require for purchasing seed, stock, and for the erection of farm buildings, fencing, draining, and other improvements; or he receives compensation for any improvement he may have made at the expiration of his tenure. Not only is the general treatment of the tenant improved by this intercourse of good offices, but his rent is reduced to that limit which will afford him the means of supporting himself and his family and of doing justice to the land. Nothing is more certain than the fact, which cannot be too often repeated, that to grind down the tenant by a rack rent which he cannot afford to pay, is fatal to the true interest of the landlord. It would therefore be supposed that every landlord, who has the means of judging, will take care to ascertain that his tenant is not over-weighted with rent. But landlords generally will not be brought to see the true value of their land; they make no allowance for change of times and other circumstances, blindly supposing the offer of the tenant,—an offer made without reference to any calculation whatever, but arising from the desperate effort to obtain a roof to shelter him,—to be the just measure of the rent to which they are entitled. From this arise the train of evils we have described,—poverty, neglect and destitution.

Proprietors either refuse to grant leases, or grant short ones. It was stated before the Committee of the House of Lords on Agriculture which we have already referred to, that the land did not return for a period of seven years the expenditure of an improving tenant. But notwithstanding this obvious truth, many proprietors seek to obtain an enhanced rent in consequence of improvements made by a tenant on their land, and suppose that exertion will be increased and industry stimulated thereby. But like every act of injustice and oppression, this recoils upon the landlord and defeats

itself. By requiring too much, he commonly ends in getting nothing; and as this might lead to a correction of the error, it would be little to be regretted, only that the ruin of the tenant is consummated in the experiment. When the tenantry become pauperized by this process, the next resource is to let the land to middle-men. These are persons generally advanced a stage further in the knowledge of extracting rent from a pauper tenantry than the landlord may have reached. They have no permanent interest in the land, and therefore no motive to show any lenity. It would be in vain to pray to them for indulgence because the prices of agricultural produce had fallen, or that an inclement season had destroyed the means of the tenant. They look to the agreement which specifies that so much rent shall be paid, and they have no ears or eyes for anything beyond it. This class of persons could not exist in a healthy state of connexion between the landlord and tenant. The sum they wring from the tenantry should be either rent to the one or profit to the other. Fortunately, however, the disposition to let lands to middle-men is giving way before a better system,—a change which has been much assisted by the act against sub-letting.

It is supposed that distress is generally confined to the south and west of Ireland; but this is not so. The Assistant-Commissioners, in describing a part of the county of Tyrone in Ulster, say*,—

"The three great landed proprietors are absentees. Rents are high and prices low; agriculture rude and neglected, no stimulus or encouragement being given to improve it; and the population is dense and increasing. These circumstances are producing the natural consequences; the capital of the farmers is rapidly decreasing; their food and clothing not so good as formerly; the large farmer is sinking into the small, the small farmer into the cottier, and the cottier into the beggar."

When we speak of absentee or non-resident landlords in an invidious sense, it is only justice to state that many of these discharge their duties to their tenantry, by means of well-disposed and liberal agents, quite as well, if not better, than many resident landlords. Amongst the latter also, there are some of the most charitable, amiable and intelligent proprietors that are to be found in any country.

* Appendix F. fol. 203.

We have thought it necessary to say so much of the present condition of the poorer classes in Ireland, in order to make ourselves understood in prescribing what we consider to be the remedies for a state of things that all parties agree in deploring, and profess themselves most anxious to relieve. The Poor-law Commissioners, while they have afforded precise information on the subject of tillage, show the very minute scale on which it is conducted, and that it is principally confined to the most necessitous class of farmers. The large farmers are small cultivators, finding grazing a more profitable business; and this is greatly favoured by the tendency of the soil to throw up spontaneously a luxuriant crop of grass. As capital will be invested in the most profitable branch of husbandry, it is to be feared that as farms become consolidated a much greater proportion of them will be kept in pasture than is compatible with the wants of the people. The only mode of correcting this tendency is to render tillage more profitable; and this may be effected by introducing the convertible system of husbandry practised in England and Scotland.

This system has been most ably advocated, and its salutary effects practically proved, by Mr. William Blacker, to whose intelligence and zeal in the cause of the small farmer his countrymen are deeply indebted. He found that however small the farm usually was, the capital of the farmer was generally smaller; and he has shown the manner in which the capital may be augmented by a new course of cropping, and the farmer enabled to work out his own amelioration by a judicious employment of his own labour on his own ground. The mode he recommends is simply this:—that as much green food for the cattle shall be yearly raised on a portion of each farm, as will be sufficient by means of their animal manure to restore the fertility of that other portion of the farm which may have been exhausted by a crop of grain. The green crop, which is the season of rest for the portion of land that bears it, is to follow the crop of corn, which is the season of effort; and these alternations being carefully attended to, the farm is always preserved in the highest state of fertility of which it is susceptible. This is very simple, and only requires the commencement of a proper rotation, which may be extended through a variety of the most profitable alternations. But this

commencement requires manure to raise the requisite turnip crop, and cattle to eat it. *Ce n'est que le premier pas qui coute.* The Irish farmer having been always in the habit of devoting all the manure he could scrape together to the growing of potatoes to feed himself and his family, can scarcely be brought to comprehend the advantage of withdrawing any portion of it from that purpose to grow turnips to feed cattle. Mr. Blacker has benevolently and assiduously applied himself to the removal of this difficulty, and with the most gratifying success. He agrees to lend any tenant on the estates under his able management, as much lime as will be required for his crop of potatoes, on his undertaking to apply the requisite portion of manure to the turnip crop. He also lends the money to purchase the necessary live stock, on condition that the mode of cropping which he prescribes shall be closely adhered to. The tenant is generally able, from his additional profits, to pay for the manure at the end of the rotation. When the farm is small, the green food is devoted to dairy cows, which are fed constantly in the cow-house; an improvement on the English system, where the cattle are allowed to roam about in the pastures. The result of his exertions are thus described by the Assistant-Commissioners:—

"Though opposing the stubborn habits and obstinate prejudices of the people, yet, being in a situation to enforce obedience to his commands, he has succeeded in conferring a permanent benefit upon a vast number already, by introducing a management of their small farms which has raised several from indigence to independence, and has given such a spur to industry, that not only have the circumstances of those who adopted his advice and directions been improved, but even their habits have been altered for the better, and their characters raised. It was the answer of several farmers, that the green crops required more labour, and that *they employed all the members of the family one way or other*: a higher encomium could not be passed on any system. Others stated that it forced on them the necessity of building little dairies and cow-houses, and caused a *desire of comfort* about their houses which they never felt before. But the surest proof of the advantage of any system of farming, is the spontaneous adoption of it by other farmers, who have no incentive to follow it but the improvement it brings with itself: not only is the green-crop feeding followed by those over whom Mr. Blacker has control, but the farmers on the neighbouring estates, seeing the bettered condition of those who had taken to green-crops, have also adopted it; so that in the entire barony there are not many small farmers who have not in some degree fallen into the green-crop feeding*."

* Appendix F. fol. 307.

As we consider the general adoption of such a system of great importance, we incur the risk of being tedious rather than omit the following testimony of the farmers themselves to its beneficial effects:

"Thomas Grant, a tenant of Lord Gosford, gave the following account of the effect green-crops have had upon his circumstances. 'When I began under Mr. Blacker, I had four acres; I owed a year's rent, gave my note for it (it was 6*l.*); I have paid it since. I had no cows then; I borrowed money for a cow and lime also from Mr. Blacker; I have paid for the cow since, but not for the lime till November. I have purchased five acres since for 30*l.* and paid every farthing of the purchase-money. I have two cows and one horse and cart now; I earned them by hard labour. I attribute it to the lime and dung of the cattle, that brought my land into good heart. I consider turnips a useful but laborious crop; there is no crop better than clover. I do think I owe my property mainly to Mr. Blacker's assistance and encouragement of the house-feeding.' This witness being asked how long it was since he came under Mr. Blacker, replied, 'That it would be five years next November.'

"James Close is a tenant on the estate of Colonel Close, and gave the following statement: 'I have *two acres and ten perches, and the road takes up the ten perches*; before the green-crops I never had a cow; I used to have the land under potatoes and oats: I keep two cows now, and have fully as much potatoes as before. I am a turner by trade; if I could get more land I would give up the trade. By cultivating the land under the new system, it would be more profitable than my trade. I have turnips, and rape, and clover, and vetches.' Being asked what rent he paid for the two acres and ten perches, this witness replied, 'I pay three guineas for it; it is very good land; I would rather pay the rent for it under the improved system of cultivating, than have it without rent and follow the old way of tilling it.'

"John McQuade, a tenant on the Rich Hill estate, made the following statement: 'I hold *three acres*, for which I pay 4*l.* a year; I have two cows, and mostly make three firkins of butter in the year; I have one pig, but we always eat the pig; I sell the buttermilk at the rate of five quarts for one penny.' Being asked how he laid out his farm, he replied: 'I have an acre of meadow down by the river; I have three roods of potatoes, one rood of clover, one rood of vetches, half an acre of turnips, and a rood or so of wheat; I have a little orchard besides.' To the question, How do you manage to keep two cows on that? the witness answered: 'Mr. Anderson and Mr. Bacon there before you, know that I am speaking the truth.' They both bore testimony to McQuade's statement*."

Mr. Blacker's system has been objected to by some persons, who acknowledge its present good effects, as likely to

* Appendix F. fol. 308.

contribute to prolong the existence of the cottier system, and to prevent the consolidation of farms. We do not think that this objection is well-founded. The present benefit is of such importance, that nothing but the certainty of its future evil effects should prevent its adoption. But so far from this being the case, we consider its adoption most useful as a preliminary to that consolidation which it is said it might prevent*. The proprietor must depend upon one of the small farmers for the cultivation of the consolidated farm, and if the latter be ignorant of the first principles of cultivating land on a small scale, he will necessarily be so on a large one: so it is to be feared that the proprietor must either devote his enlarged farm to grazing, or be content to continue it in tillage, or a portion of it at least, under the old and defective system. This tendency of reverting to grazing—which would, by diminishing the supply of sustenance for the people, only add to their misery—will be corrected by increasing the skill and industry of the small farmer, which may be effected on three or four acres as well as upon ten. If, by the supervision of the proprietor or agent, he is taught to adopt the convertible system of husbandry on his small farm, he will by that means increase his capital—or rather create a capital which he does not now possess. When his capital is increased, the size of his holding may be augmented: so that Mr. Blacker's system is calculated as a useful auxiliary to the complete adoption of the British system of agriculture. One or two such

* Mr. Nicholls, in his third report on Poor Laws, says, after describing the misery and suffering that a rapid consolidation of farms is certain to produce, "But an improved management of the small farms in Ireland would afford the means of increasing the domestic comfort and elevating the social condition of the cottier tenantry, and would facilitate the progress of whatever other changes may be regarded as likely to promote their general well-being, because it will be accompanied with an improvement in the habits of the whole class. This would, in fact, be beginning at the lowest point in the scale. Improved management in the small farms would bring increase of capital and improved habits amongst the cottier tenants. With the increase of capital will come the desire to extend their holdings, and thus will arise a tendency to consolidate occupancies for the employment of increased capital, which the vast extent of now waste, but reclaimable, land in Ireland will greatly facilitate. An increase of agricultural capital will speedily act upon all the other sources of industry, and thus the demands of the home market for agricultural produce will be augmented, while for all that is produced above that demand the markets of England will be open. To begin with the improvement of the small cultivators seems therefore to be necessarily the first step towards ameliorating the condition of the Irish people; and the example of Belgium is important, as showing what may be done in this respect by adopting an improved system of cultivation."

farms in a district would serve as models, proving, in the prosperity of the tenant, the value of skill combined with habits of industry and order, which would soon be attended with the happiest results. To make a beginning it only requires determination, vigilance and liberality on the part of the proprietor or his agent. The land should be let at a moderate rent, and perhaps some small assistance afforded to the tenant in the first instance, on the express condition of his cultivating it in the manner prescribed. If the present race of occupiers are to be improved, and the land rescued from the system by which it is now scourged, the dread of starvation and the consequent competition of bidders for land must not regulate its rent.

The advantages arising from the introduction of a profitable system of agriculture cannot be too highly estimated. Holders of large tracts of land which are now solely occupied in pasture would find it their interest to cultivate crops for the feeding of stock; tillage would be extended; the supply of animal food, and, consequently, of materials for manufacture, would be augmented, while the domain of labour would be widely extended. The rate of wages would be raised, competition for land lessened, and a class of industrious consumers created. The great increase in produce would counterbalance the increased price of labour, the fertile soil of Ireland being at least as capable of yielding as much wages, rent, taxes and profit on capital, as that of any part of England; and this (the cost price of production) the consumer is required in a healthy state of society to pay.

Whatever difference of opinion there may exist respecting many of the rights of the poor, that which a great statesman declared them to possess will not be denied*, "a right to all "that society, with all its combinations of skill and power, can "do in their favour." We trust the natural protectors of the people, those connected by property with Ireland, will make every possible effort to extend to their tenantry those improvements in agriculture which modern skill has attained; which will be the best possible means of substituting order for turbulence, industry for apathy, wealth for waste, and happiness for

* Edmund Burke.

misery. This requires no sacrifice; self-love and social are in this the same. It is the mutual interest of both, the only sound and safe footing upon which the connexion between landlord and tenant can be placed;—they cannot have conflicting or independent interests,—they are inseparably connected in good or in evil, and must rise or fall together.

It is observed in the Third Report of the Commissioners of Poor Inquiry, "that those who are uncivilized cannot civilize themselves." The poverty and ignorance of the Irish people render them dependent on and amenable to their landlords. The latter therefore possess the power of bringing good out of evil, and, as has been happily said, of making "that de-"pendence to which pauperism leads, the means of correct-"ing the evil habits which too generally produce it*."

The bad system of culture hitherto pursued in Ireland appears from the following calculation:—The cultivated land of Great Britain, according to tables laid before the Emigration Committee, by Mr. Cowling, amounts to 34,254,000 acres. The cultivated land of Ireland, according to the calculation of Mr. Griffith, amounts to 14,603,000 acres. The supposed annual value of the agricultural produce of Great Britain Mr. Griffith calculates to be 150,000,000*l.*, and that of Ireland 36,000,000*l.* From these data it appears, that although the land cultivated in Great Britain, as compared with that cultivated in Ireland, does not quite equal the proportion of two and a half to one; yet that the annual value of the agricultural produce of the former, as compared with that of the latter, exceeds the proportion of four to one. Mr. Griffith has stated before a Committee of the House of Commons, that with respect to the arable lands of Ireland, there ought to be, to do justice to the soil, a proportion of ten families to every one hundred acres, whereas there are but from three to four. Mr. Revans, the secretary to the Poor Law Inquiry Commissions in England and Ireland, states in his pamphlet†, Galway, the population of which is one of the most wretched in Ireland, contains as many acres of reclaimed land to each individual as Berks, Bucks, Devon, Essex, Monmouth, Nor-

* Rev. Mr. O'Malley's pamphlet entitled "Poor Laws, Ireland, 1837."
† Page 3.

folk, Hampshire and Suffolk; half an acre to each individual more than Bedford and Sussex; and an acre to each individual more than Hertford, Kent or Wiltshire. Meath, which is purely a grazing county, contains three acres to each individual, while Hertfordshire, also a grazing county, has only two. Yet there is scarcely a more wretched peasantry in Ireland than that of Meath, and scarcely a better conditioned peasantry in England than that of Hertfordshire. Kildare, the population of which is as wretched as that of any county in Leinster, has a larger proportion of land to each individual than any county in England, with the exceptions of Dorset, Hereford, Lincoln and Oxford. Having given this comparison of the relative condition of English and Irish counties, he goes on to compare Irish counties one with the other. Kerry, he says, and Kildare have three and a half acres to each individual, whilst Louth has only one and a half; yet assuredly the condition of the peasantry of Louth is superior to that of Kerry or Kildare. Again, Waterford, in which the peasantry are fully as comfortable as in any county in the south of Ireland, has an acre and a half less to each person than Kerry and Kildare, and an acre less than Galway and Meath. It would therefore appear that the backward state of agriculture is more a cause of distress than redundancy of labour.

It would be idle to look for prosperity to Ireland until the people are secured in the possession of the necessaries of life. "*La faim n' a pas d'oreilles,*" is a French proverb, and all experience proves that it is altogether vain to expect that industrious and provident habits can take root and flourish amongst any people, so long as they are exposed to the risk of perishing of hunger or cold. Men without food and raiment are savages in whatever part of the world they may be placed. The first step to civilize them is to provide them with the necessaries of life. Habits of sobriety, order and industry, soon follow, and these lead to the acquisition of property, the love of which ever increases with its possession. The Irish were driven by want out of the pale of civilization;—the assurance of a protection from destitution will bring them within it; recklessness, improvidence and passion will disappear with the cause which produced them, and they will be-

come attentive to instruction and submissive to the restraints of law.

The capital employed in agriculture in Ireland is made up of a number of minute portions. By the introduction of a greater amount of skill, these capitals will be considerably increased. The evidence we have quoted sufficiently attests how much can be accomplished from the smallest beginnings, by the adoption of Mr. Blacker's system, which will become the best ally to the system of a consolidation of farms, from the legitimate desire the farmer will have to invest his surplus profits in additional land. The effect of the old system was to subdivide and impoverish; the effect of that we have described will be to consolidate and enrich, and by the most gradual, wholesome and certain process*. In many parts of Ireland, however, a spirit of improvement exists amongst many landlords, and the successful results of their exertions in all cases cannot fail to supply the strongest possible inducement to others to "go and do likewise." Mr. Binns, one of the Assistant Commissioners, particularly mentions the efforts of Mr. Rose, of the county of Monaghan, in enabling his tenants to raise themselves into a state of comfort by giving them lime, seeds of rape, turnips, clover, &c., and by assisting them with loans: he adds, "I am convinced, "from the investigation which has taken place, that when "there is a reasonable stimulus to exertion and a prospect of "reward, the Irish people in the baronies which I and my "colleague visited, are as industrious as the English or any "other people. An agricultural society has been established "here for some years, giving premiums for the neatest cot-"tages and gardens, for clover, vetches, summer manure and "ploughing†."

It has been remarked by Xenophon, that "Agriculture is "the nursing-mother of the arts; that where the former suc-"ceeds prosperously there the arts will thrive, but where the "earth is uncultivated there the arts are destroyed‡." It is by means of agriculture that a general improvement in the condition of the Irish people must be effected, which will be

* Appendix F, p. 421.
† Appendix F, p. 359, on Kilconnel, Co. Galway. ‡ Economics.

felt through every link in the chain of productive labour. To this end we strongly recommend to all persons possessing land in Ireland, the formation of a central institution, whose object should be to promote practical agriculture on scientific principles in that country. We have already alluded to the Dublin Society, which was principally established in 1731, for that purpose. It was the fashion of that period, however, to endeavour to make Ireland a manufacturing country, and these efforts were increased by the jealous spirit of English rivalry, which was then as assiduously employed in a contrary direction as it was in 1698, when a Committee of the House of Lords in England addressed the king to prohibit and suppress the woollen manufacture in Ireland, to which His Majesty's answer was, as reported by the Lord Steward, "That "His Majesty will take care to doe what their Lordships "have desired." To the protection of manufactures, therefore, the society directed its principal attention. The Farming Society, which was established in the year 1800, in imitation of the Board of Agriculture, then existing in England, promised to bestow more attention upon this great subject of national interest; but during the period of its labours, grazing was in particular favour in Ireland, and husbandry discouraged, so that the improvement of the breed of cattle engrossed nearly all its energies. It was supported by a national grant, but it ceased to exist without having accomplished any national benefit, save the introduction of the Scotch plough and cart into Ireland. Although these institutions did not, for the reasons we have mentioned, effect all the good they might have done, yet the principle on which they were founded was a good one, and has been adopted very generally throughout Europe. It is quite surprising how slow farmers have been even in England of availing themselves of improvements in this science, which, notwithstanding the great advances that have been made of late, was stated by Earl Spencer, two years ago, at a dinner of the Smithfield Club at which he presided, to be still in its infancy. So difficult it is even in this country to introduce any change in old habits which may bear the construction of being "experimental," that the use of bone manure, which has trebled the value of many parts of the midland counties, is in many

places, close to the scene of its earlier operations, looked upon as a novelty. But we have arrived at a period remarkable for the spirit of enterprise which is pervading all classes, and we hope to see science more directed to the advancement of agriculture than it has hitherto been. There still exists even in England, with respect to first agricultural principles, much diversity of opinion*.

An institution such as we have described, which would direct its attention to the fertilizing properties of the soil in Ireland, and to the manure best calculated to supply most abundantly the food of plants, and to other subjects of agricultural interest, would be of inestimable value in the great work of Irish regeneration. Already the agricultural societies which have arisen throughout the country have been most beneficial, but they have generally limited their prizes to the breeding and feeding of cattle, and to the encouragement of the growth of turnips, mangel wurzel, and other green-crops. What is requisite is a national society composed of influential and intelligent members, who would take up the question in its most extensive sense, and associate science in the work of advancing agriculture in Ireland. The various constitutions of soils, the different processes of cultivation, the qualities and effects of the different manures, the diseases of plants and their remedies, the effects of the atmosphere on vegetation, the choice of seed, the rotation of crops and their relative effects upon each other, the construction of agricultural implements and machines, the collection of information on foreign agriculture, and the best mode of diffusing it amongst the agricultural classes, and of encouraging their exertions in improvement, present a sphere of operation too comprehensive for the grasp of isolated and provincial societies.

This society should be composed of the owners of property, who have all an equal interest in promoting this first of all arts and source of all wealth. It would have the effect of softening down those political enmities, and healing those intestine divisions, which have for so long a period blotted the page of Irish

* Sir H. Davy was in favour of the application of manure in an *unfermented* state, and he made many converts to this theory amongst practical persons. There are also various theories with respect to the principles of action of lime, salt and other mineral manures upon soils, and their proper application.

annals, and of uniting men in the common object of increasing the national prosperity and promoting the happiness of all the people. A parliamentary grant might be reasonably expected in aid of the annual subscriptions of its members. This would constitute a fund sufficiently ample, it is to be hoped, to enable it to fulfil its important functions. It would stimulate the landlords to exertion as well as the tenants, and afford to Ireland, what it has never yet possessed, the advantages of co-operation in an effort to develope the resources of a neglected country, and to improve the situation of a depressed people;—an object calculated above all others to allay strife, arouse inquiry, and excite generous emulation. All modern improvements have shown how essential co-operation is to the diffusion of knowledge and the progress of the human race. Its wholesome influence has been hitherto almost unknown amongst the better classes in Ireland, while the bulk of the population has existed in detached and isolated masses, shut out from the benefits of mutual intercourse, and from a knowledge of the spread of civilization in more active comities.

The Dublin Society had received parliamentary grants, from the year 1800 to 1836, amounting to 276,154*l.** The objects for which that Society was chartered were the promotion of husbandry and other useful arts in Ireland.

On the 10th of March, 1836, a Special Committee of the House of Commons was appointed, and on the 17th of March further empowered "to inquire and report whether any, and "what alterations should be made in the bye-laws in reference "to the existing Committees, and the mode of managing the "affairs of the Society." That committee agreed to a series of resolutions, with the view of rendering the Society more generally useful to the public, and recommended, amongst other things, that a committee of agriculture should be appointed, whose duty should be to report to the council of the Society, upon all matters relating to that department, and that all recommendations emanating from the committee should be subject to the final sanction of the council:—that the Dublin Society should be considered as the great central asso-

* Parliamentary Return, 105, 1838.

ciation for the diffusion, throughout Ireland, of a knowledge of practical science, and of all improvements in agriculture, horticulture, and the arts; and that it should place itself in communication with all local societies founded with a view to similar objects, affording to them assistance, encouragement and information, and receiving from them in return periodical reports of their proceedings. The Society adopted the recommendations of the committee, and expressed an anxious desire to have the means and opportunity of acting most fully upon them. We should hope that the regulations which have since been entered into by the Society, will have the effect of extending its usefulness, and that the "nursing-mother of the arts" will receive from it that attention which it so pre-eminently demands, and which it was the chief object of the institution to protect. It might become a useful ally to the National Agricultural Association of the Landlords of Ireland, which we conceive would prove so highly and extensively beneficial.

We now proceed to consider the second part of our subject, the reclamation of the waste lands.

On the 15th September, 1809, Messrs Charles Vallancey, Richard Griffith, Henry Hamilton, J. Leslie Forster, and William Gore, were appointed commissioners to inquire into the nature and extent of the several bogs in Ireland, and the practicability of draining and cultivating them. These gentlemen collected a body of evidence on this subject of the most important description, but which, from circumstances to which we shall presently advert, has since remained almost a dead letter. Their information is of the most practical character, and based as it is upon the reports of able engineers, may be safely relied on. There are 3,000,000 Irish acres of waste land, equal to 5,000,000 of English acres, which are considered to be almost all reclaimable; and as if to mark in the strongest possible manner the causes of Irish misery and the means of removing it, those wastes abound most in Galway, Mayo and Donegal, where the greatest amount of destitution exists*.

* In the county of Galway there are of reclaimed land 945,212 acres; of unreclaimed land 461,957 acres. In the county of the town of Galway there are of reclaimed land 10,501 acres; of unreclaimed land 12,000 acres. In Mayo there are of reclaimed land 871,984 acres; of unreclaimed land 425,124. In Donegal there are of reclaimed land 520,736 acres; of unreclaimed land 644,371 acres.

A portion of Ireland of little more than one-fourth of its entire superficial extent, comprises within it about six-sevenths of the bogs in the island, exclusive of mere mountain bogs and bogs of less extent than 500 acres. It is included between a line drawn from Wicklow Head to Galway, and another drawn from Howth Head to Sligo, and resembles in its form a broad belt drawn across the centre of the island, its narrowest end being nearest the capital, and gradually extending in breadth as it approaches to the Western Ocean. This great division of the island, extending from east to west, is traversed by the river Shannon from north to south, and is thus divided into two parts. If we divide these bogs into twenty parts, we shall find twelve of them to the westward and five to the eastward of the Shannon; two to the south, and one to the north of this division.

Various theories have been ably maintained by persons who have deeply considered the subject with respect to the origin of bogs. That which is important to be known respecting them however, admits of little difference of opinion. Wherever the passage of the waters has been impeded, owing to whatever cause, the saturated soil is soon occupied by aquatic plants, which in process of time assume the form of peat or bog. The fact is familiar to every farmer, that a wet clay soil is ever productive of moss and rushes, which if left undisturbed accumulate with a surprising degree of rapidity, and destroy the vegetation of any useful plant which may approach them. In Ireland, amid centuries of neglect, successive generations of these plants reproduced themselves on the ruins and decay of the preceding ones, and thus bogs were formed from their successive growth.

The history of the moss tribe is very curious. They only live amid desolation, and fly the cultivating hand of man. In the polar regions, where the snow never thaws more than a few inches deep, they are to be found, the only vegetable production that can there exist. In the northern parts of the globe barren rocks are incrusted with them, and masses of granite and porphyry derive from them the first rudiments of vegetation. It was stated by Professor Wade, in his observations addressed to the Bog Commissioners, that the crisp lichen (*Lichen paschalis*) was found near Mount Vesuvius on a torrent

of lava which issued in 1771, most copiously covering it, and appearing like hoar frost. In the vegetable substance of which the Irish bog is composed, the different species of mosses are generally found, the *hypnum* or feather-moss, the *polytrichum* or golden-hair moss, the *lichen pyxidatus* or cup moss, with its gay tubercles of scarlet, and the *lichen rangiferinus,* upon which the reindeer lives.

The *lemna* or duck-meat is generally found in their company in old pits which have been cut through, and in which the process of renovation, by means of a new growth of moss, is going on. This plant has slender stalks, which extend for two or three feet, to float its leaves like a green film on the surface of the stagnant water. These, by interweaving with other aquatics, form a receptacle or bed for the deposition of the light seeds of mosses, blown about abundantly at the period of their shedding.

The most considerable of the moss species is the *sphagnum.* The organization of this plant is discernible from one to four or five feet from the surface of the bog, and its progressive changes have been traced from the living vegetable until it becomes disorganized and decomposed, forming in its dissolution compact peat. From its formation it is peculiarly adapted for holding water in suspension, which it greedily attracts, and loses only by evaporation and decomposition. If a stem of dried sphagnum six or eight inches in length be suspended, and if a small portion of the lower extremity be immersed in water, the fluid will rise by capillary attraction to the upper end of the branch, filling all the leaves of the plant, which in this instance act like so many vessels to retain the water. They are thus provided by nature with the means of retaining the moisture upon which they live, and which materially tends to produce the low temperature that is most congenial to them. This will account for the general nature of the Irish bog partaking of the property of sponge. It is, according to Mr. Griffiths, of the average thickness of twenty-five feet, nowhere less than twelve, nor found to exceed forty-two. Its substance varies materially in its appearance and properties in proportion to the depth at which it lies. On the upper surface it is covered with moss of various species, and to the depth of about ten feet composed of a

mass of the fibres of similar vegetables in different stages of decomposition, proportioned to their depth from the surface; generally, however, too open in their texture to be applied to the purposes of fuel. Below this there lies a light blackish brown turf, containing the fibres of moss still visible, though not perfect, and extending to a further depth of perhaps ten feet. At a greater depth the fibres of vegetable matter cease to be visible, the colour of the turf becomes blacker, and the substance much more compact, its properties as fuel more valuable, and gradually increasing in the degree of blackness and compactness proportionate to its depth. Near the bottom of the bog it forms a black mass, which when dry has a strong resemblance to pitch or bituminous coal, and having a conchoidal fracture in every direction, with a black shining lustre, and susceptible of receiving a considerable polish. A matting of plants is often found on the surface of the stagnant or sluggish water, which has been stated by Mr. Aher to be capable of bearing the weight of men, but not without yielding to the pressure very considerably, and admitting the water through it*. In these instances the vegetation seems to have been produced on the surface of the water, where each successive growth of vegetables by their weight had sunk the former, until at length they reached the bottom. Large roots and trunks of trees are commonly found in the bogs; they consist principally of fir, oak, yew, and sometimes elm. These appear, according to Mr. Aher, to have fallen from decay; the external fibrous part is generally in a decomposed state, but the core sound, and in the case of oak, which becomes black, and which is greatly prized, it is much increased in strength and hardness. The base on which the bogs rest is commonly limestone, gravel, or clay†.

Mr. Griffiths has given a sketch of the mineralogical and geological features of the bog district, which is full of interest, and must prove highly beneficial to the agriculturist. He has shown the causes which have impeded the current of the water to the sea, and consequently induced the bog formation.

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* See Mr. Aher's report on the district of bog No. 8, appendix to 3rd report of commissioners, fol. 63. This matting forms occasionally natural bridges, used by the inhabitants.

† It has been supposed that lead is to be found under all the flat bogs.

He states that there is a great limestone valley which includes one-fourth part of Ireland, the boundaries of which are nearly coincident with those of the great belt crossing Ireland from east to west, and which, as we before mentioned, contains six-sevenths of the bogs of the island. Nearly the whole of the surface of this valley is covered by a stratum, varying in thickness, of limestone gravel, and the bogs contained therein are surrounded by steep ridges of hills formed of this substance, which prevent the immediate discharge of the waters into the nearest river. The same circumstances characterize Chat Moss, the most extensive lowland bog in England, which is surrounded on all sides by ridges of ground or rolled stones mixed with clay, presenting a similar obstruction to the course of the waters. On the south-east side of this moss there is a ridge of gravelly soil, which creates a complete bar between it and the river Irwell. Lime is a principal ingredient in reclamation, and the great quantities of this mineral which are found in the immediate vicinity of the bogs in Ireland, would appear like the bountiful invitation of Providence to an undertaking so essential to the welfare of the people.

Mr. Griffiths has described the causes which equally induced the growth of bog on the summit of a mountain, and on the surface of a country moderately elevated above the sea. Both have had the same origin: wherever they have grown, temperature was at a low degree, and water more or less abundant. The depth of the mountain and lowland bogs are however very different, the former rarely exceeding eight feet, and the latter sometimes attaining forty feet in depth. The temperature of stagnant water on the less elevated surface is sufficiently low to induce the growth of moss during nine months in the year. The growth of aquatics on elevated ground is rarely interrupted. The temperature is at all times low; and the consequent slowness of evaporation leaves sufficient moisture, even on the sides of mountains, to induce the growth of moss in such situations; but the quantity of stagnant moisture in those places is trifling when compared with the supposed shallow lakes which originally caused the growth of the lowland bog. In the latter cases moss consequently grows much quicker than in the former; sometimes it has reached two inches in a year for the space of twenty

years; but in the former case it is denser though less deep, the natural consequence of its less rapid growth.

The first step towards reclamation is *draining*, and, fortunately, the elevation of the bogs is most favourable to this operation. The lowest summit of any part of those included in Mr. Griffiths's report, is 214 feet above the level of the sea, and the highest 298 feet; so that there is none of them from which the waters may not be discharged into rivers in their immediate vicinity, and with falls adequate to their drainage.

The result of the labours of the Commissioners has been to prove,

"that any species of bog is by tillage and manure capable of being converted into a soil fit for the support of plants of every description, and with due management, perhaps, the most fertile that can be submitted to the operations of the farmer; green crops, such as rape, cabbages, turnips and carrots may be raised with the greatest success on firm bog with no other manure than the ashes of the same soil; permanent meadows may be formed on bog more productive than on any other soil; timber may be raised, especially firs, larch, spruce, and all the aquatics on the deep bog, and the plantations are fenced with little expense, and with due application of manure every description of white crops may be raised*."

Mr. Griffiths has stated, that in the great limestone valley the best possible manure for reclamation, limestone gravel, is placed in abundance in the immediate neighbourhood of the bogs; and Mr. Nimmo states,

"I am so perfectly convinced of the practicability of converting the whole of the bogs I have surveyed, into arable land, and that at an expense which need hardly ever exceed the gross value of one year's crop produced from them, that I declare myself willing, for a reasonable consideration, to undertake the drainage of any given piece of considerable extent, and the formation of its roads, for the sum of one guinea per acre, which is little more than seven years' purchase of the rent it would then afford†."

Various modes of improvement have been proposed, and calculations made of the expense, which will hereafter become valuable charts for the enterprising in an undertaking promising to afford a greater profit than perhaps any other application of agricultural skill and capital. It appears, that by an expenditure of from 1*l.* to 14*l.* per acre, the reclamation would secure to the improver a permanent rent of from ten to fifteen per cent. on the expenditure; and some of the

* Fourth Report of Commissioners, p. 11. † Idem, p. 13.

engineers state, that the whole of the outlay would be returned by the produce of the first crops. In all these cases it is important to find, that the estimates furnished are justified by improvements which have been actually made. It will be naturally asked, why, under such favourable aspects, so little has yet been actually accomplished? This is accounted for by the uncertainty of the boundaries of estates when they pass through extensive bogs, and the right usually vested in the tenants of turning their cattle upon that part of the bog which adjoins their farms. The interest of the latter is too short, generally, to tempt them to improve, but sufficient to render such an operation impracticable by the landlord. Mr. Edgeworth stated in his report, that the owners of bogs are deterred, by the uncertainty of their properties, from entering into engagements for their improvement. One fact shows this in a clear light. He offered one of those proprietors a rent hitherto unheard of for bog-land, proposing a sixty years' lease for his own interest. The proprietor was willing to accept the offer on the condition that Mr. Edgeworth would indemnify him against all law-suits, which it was well known would be the inevitable consequences, and so the matter dropped.

The Commissioners recommended the legislature to appoint Commissions of Perambulation, to ascertain boundaries, and to declare on what terms the landlord shall be permitted to resume from his tenant the right of grazing on the bog, which is a vested interest, however unprofitable its possessor. They further suggest, that it would be necessary to enable proprietors of estates under settlement, to make long leases of bog-land for the purpose of improvement. By this interference, the remainder-man would be benefited and not injured; his property would receive a prodigious increase of value ultimately, and during the term would produce a reasonable rent, where it now produces nothing. The legislature has already recognised this principle by 12th Geo. I. c. 12, which enables bishops to demise bog-land for a term of sixty years. They recommend further, that a free passage shall be secured to undertakers through adjacent estates for the purposes of drainage, and conclude by the following observations:

"We feel a confident assurance, that when peace shall have established the opinion of our British fellow-subjects, with respect to the security of property in this part of the United Kingdom, so obvious a field for the employment of British capital, as has been pointed out in these Reports, cannot be overlooked. Nor is it to be objected, that the improvement of such extensive tracts would require a capital of enormous magnitude to effect it: if there is any truth in the opinions which have been so generally advanced to us by those engineers in whom we place our chief confidence, the very process of reclamation would reproduce to the farmer, in the first crops, the money which he had expended, and which would thus successively become re-applicable to new undertakings*."

However incredible it may appear, nearly thirty years have elapsed since this report was laid before Parliament; yet these recommendations have been totally neglected, although, in the interval, the Irish labourer has suffered the greatest privations from poverty and want of employment. If the reasoning of the Commissioners had appeared ill founded, or their anticipations over-sanguine, this neglect might be palliated or explained; but all subsequent experience has fully confirmed the correctness of their views, and the soundness of their calculations. It was proved before a committee of the House of Commons, that land in the county of Sligo had been reclaimed at the cost of about 7*l.* per acre, and rendered worth a rent of 30*s.* per acre; and that three years' produce have, in most cases, proved sufficient to pay all the expenses of reclamation.

General Bourke stated before the Committee of the House of Commons appointed to inquire into the state of the Irish Poor in 1830, that

"he is proprietor of bogs in different places, and has tried the experiment of improving them; that bog on which turf has been cut, and which was in a wild and uncultivated state, had been, at an expense of 7*l.* per acre, raised from 10*s.* to the value of 30*s.* acreable rent."

He fully confirmed the Report of the Commissioners as to the causes which have operated to prevent improvement on a large scale, which he declared to be the state of the law that prevents partition of bogs held in common, without the expensive process of a bill in Chancery. There is no doubt, that if the tenants had leases of sufficient length, a great por-

* Fourth Report, p. 14.

tion of waste land would have been already reclaimed. Mr. Hevy, a large farmer, stated before the Poor-law Commissioners,

"During the scarce seasons I took a number of labourers into my employment, and reclaimed, draining about twenty acres of land; however, when it was discovered by the landlord, he took it from me and set it to another."

Mr. Jonathan Burns, the Assistant-Commissioner of Poor Inquiry, states in his report*,

"Admitting the scarcity of food and labour, it must appear an extraordinary anomaly, that so many thousand acres of bog inviting cultivation, and well adapted for it, should remain within view of Philipstown untouched, or more correctly, not permitted to be touched, for many would gladly cultivate it if they were allowed to do so. The Ballycommon and Mount Lucas bogs, part of the immense bog of Allen, contain nearly 10,000 English acres, no part of which exceeds four miles from Philipstown; they consist of a fine black peat, dry in places, and admitting of complete drainage, being at an elevation of from 200 to 300 feet above the level of the sea, with abundance of clay and limestone gravel at a convenient depth, and an even surface; the Grand Canal also passing through the bog, and communicating with the metropolis and other parts of Ireland. The cultivation of these bogs would give employment to all who want it, and would produce food and distribute comfort and happiness to thousands who are on the verge of starvation. If a company were to embark in these improvements, I have no doubt of the profit answering their expectation, and remunerating them for judicious outlay under a long lease."

This is the opinion of an intelligent Englishman who cannot be suspected of partiality, and who had himself reclaimed a portion of bog in Chat Moss.

Mr. John Power has also stated in his report on Talbotstown, County of Wicklow†,

"Here are thousands of acres capable of profitable cultivation either by the capitalist, or by labourers' families for their own support. Hundreds of those families would be found in the barony itself, ready to undertake such cultivation for their maintenance, even without any assistance whatever, and only upon the condition of having it for a certain number of years rent-free, or at a small annual payment; and many more would only require a very small aid at the commencement of their labours. In the town of Baltinglass alone, the assistant-commissioners found hundreds of human beings in the most abject misery, crowded two or three families in a hovel or garret of ten or twelve feet square, without an inch of ground or any other re-

* Appendix F., fol. 380. Report on Philipstown, King's County.
† Idem, p. 389.

source than the uncertain and overstocked market for labour and the charity of the humane, while the uncultivated mountains overlook the town, but are forbidden fruit to the wretched inhabitants, who have even been taught to know, by fines and penalties, that the wild heath and furze grow to protect the game, and create amusement for the rich, not to warm the shivering limbs of the poor or to prepare their humble meal."

It would be tedious to multiply examples to prove what Mr. Arthur Young stated upwards of sixty years ago, and the Bog Commissioners have shown by the evidence of the most able engineers, and after the most searching inquiry, and all subsequent experience has confirmed, that upon the waste lands in Ireland is to be practised the most profitable husbandry in the kingdom. It is therefore deeply to be lamented, that any obstacle that legislative interference could remove should be allowed to remain in the way of their improvement; and indeeed we have every reason to believe, that if the recommendation of the Bog Commissioners had not been neglected, English capital would have, before this, fallen into a channel so natural and favourable. The case of the Waste Lands (Ireland) Company bears out this assertion. This Company, at the head of which is the Earl of Devon, was incorporated in 1836, and was well calculated to give the public increased confidence in the private emolument as well as the national benefit to be derived from similar undertakings; but we believe that its laudable efforts have been impeded, partly by the difficulty of obtaining leases, owing to the causes described by the Bog Commissioners, and partly by the length of tenure asked by the Company.

To remove these obstacles, Mr. Lynch, the intelligent member for Galway, has laboured with a zeal and ability which merit the lasting gratitude of his countrymen. The plan by which he purposes to effect this object he fully explains and powerfully enforces in the valuable treatise which we have placed at the head of this article. This plan he has embodied in a series of bills prepared by him in pursuance of resolutions adopted by the committee of 1835, of which he was chairman. In conformity with the recommendation of the Bog Commissioners, it is merely *permissive*—compulsory measures not appearing to him advisable, at least until those he proposes shall have been tried and failed.

The object of the first bill is to promote drainage. For this purpose the proprietors of two-thirds of the lands to be improved are enabled to apply to the Board of Works for a commission. The Board of Works are thereupon empowered to grant a commission for carrying the work into effect, which would ensure a disinterested, competent and skilful tribunal. Where the work undertaken for the drainage of lands shall have the effect, with additional works, of making rivers or lakes navigable, power is given to the commissioners to determine the proportion in which the counties, &c. ought to contribute in respect thereof, as in the bill recently passed for improving the Shannon: the money required for the work to be lent by the Board of Public Works and repaid by instalments. The commissioners are then to ascertain boundaries and apportion the expense attending the improvements, which is to become a charge upon the lands improved, and, in cases of rivers or lakes made navigable, upon the county. Tenants for life are then enabled, with consent of commissioners, to lease the lands improved for a term not exceeding thirty-one years.

We mentioned in a preceding number that the English Parliament had passed a bill for the reclamation of Waste Lands* as an adjunct and auxiliary to the Poor Law; justly considering that in making it obligatory on the community to support the labouring population, it was just and politic to devise every proper means of giving them employment. This act, the Sewers' Act, the laws which constitute the Bedford Level Corporation, the General Inclosure Act, the Ean Brink and several drainage acts, are examples that the principle of Mr. Lynch's bill has been long acted upon in England, as it has been in every civilized country. It does not go beyond the legitimate object of removing the obstructions which have hitherto prevented the cultivation of the waste lands in Ireland.

Mr. Lynch's second measure is to enable tenants for life in possession, to grant leases not exceeding thirty-one years, or sixty years in the case of mines or to promote repairs, or ninety-nine years to encourage building, at the best yearly rent, without taking a fine. 3rd. To enable the provost and

* 43 Eliz., c. 11.

fellows of Trinity College to grant leases, subject to certain conditions, for forty-one years (they are now restricted to twenty-one), which provisions are proposed to be extended to the trustees of the Schools of Erasmus Smith, and of Sir Patrick Dunnes's Charity. 4th. To enable tenants for life to charge the inheritance with an outlay to the amount of three years' value, under the directions of the Board of Works, for draining, enclosing, fencing and planting. 5th. To alter the objectionable tenure of lives renewable for ever, by facilitating their conversion into estates in fee simple. 6th. To provide a summary remedy for partition, and ascertaining the boundaries of lands in Ireland. 7th. To transfer the management of fiscal affairs from grand jurors to a board of supervisors, constituted by the votes of the rate-payers, apportioned according to the property of each. 8th. To enable the Bank of Ireland to lend money on mortgage: and 9th, To give increased powers and efficiency to the Board of Works in Ireland.

These measures would appear at first sight like a new code of laws for the regulation of real property, and may probably startle those who have so great a reverence for the wisdom of our ancestors that they cannot help regarding modern improvements as unskilful innovations. But such persons too often forget that the wisdom of our ancestors was *cumulative*, to which time is constantly making new and valuable additions; and that the laws relating to real property have always been, and still continue to be, in a progressive course of improvement, in proportion to the spread of liberty, the extension of trade, and the multiplied transactions and necessities of mankind.

But the principle of Mr. Lynch's bills has been for the most part established by precedent; and they are based on true principles, and calculated to combine, with the exception perhaps of the 5th and 7th, the two important objects of increasing the wealth of proprietors and of ameliorating the condition of the people. It has been urged as an objection to the Drainage Bill, that its object is to improve private property in Ireland by means of loans from the public exchequer, which would inevitably lead to frauds and jobbing, and give an artificial direction to capital in a work, which, if it afforded

a fair prospect of return, private speculators would be ready to undertake. But the object proposed by him is a national rather than a private one; it is to alter the face of the country, improve the climate and raise the condition of the people. It is a work of an extensive and complicated nature with which private individuals are not able to contend, and to effect which requires a joint effort, that separate interests, too generally swayed by selfish, jealous and contracted views, could not be expected unaided to combine to accomplish. It appears to us that the circumstances of the drainage of the waste lands in Ireland are exactly those in which the interference of the legislature is not only desirable but necessary, for the reason Blackstone describes as "the supreme reason, above "all reasons, which is *the salvation of the king's lands and* "*people**."

The principle of the Drainage Bill was established in England at a period so early as the reign of Henry III., which may be termed the dawn of legislation, and when civil institutions that restrained natural rights were submitted to with reluctance. The Law of Sewers for the government of Romney Marsh, in the county of Kent, was composed by Henry de Bathe, a venerable judge in that reign, from which ancient and equitable laws Lord Coke declares all commissioners of sewers in England may receive light and direction†.

We have an objection, however, to the first provision of Mr. Lynch's Drainage Bill. He proposes, as a charge will be placed upon the *corpus* of the estate, that the proprietors of two-thirds of the lands to be improved should apply to the Board of Works for a commission; such proprietors are described to be all bodies politic, all ecclesiastical persons, any company, and tenants of particular estates. But as the arable lands around the extremities of each bog belong generally to a variety of proprietors, the mearings or boundaries of whose estates, it is admitted, must be contained within the area of the bog, but the precise situation of which is not ascertained, it appears to us that it will be impossible to determine the interests of proprietors therein, in such parts of Ireland as the Ordnance Survey has not yet settled, before a partition shall have been

* Commentaries, vol. iii. p. 73.

† 4 Inst., 276.

made. When we add to this consideration the embarrassed state of landed proprietors in Ireland, the extent to which property is in the hands of creditors and courts of justice, and the variety of persons claiming property in bogs, we fear that this provision may in many cases render the whole measure nugatory. We therefore think, that as the drainage of these bogs is essential to the safety and preservation of the country, that it should not be left to the chance of originating with proprietors, but that the crown should at once exercise its authority and direct a commission to be issued, armed with ample powers for carrying the work into effect.

We have urged the necessity of legislative interference in the construction of leading lines of communication,—those arteries through which the life of population circulates,—and the removal of all obstructions, wheresoever they exist, to the course of national prosperity. When these national objects are accomplished, private enterprise will seek that channel for the investment of capital which is likely to prove most productive. This is a sound principle which should not be lightly departed from; and such legitimate and necessary interference is all that Ireland requires to ensure a rapid career of advancement.

The neglect of the interference of government with respect to drainage has occasioned the remarkable humidity of the climate in Ireland. The water, through a great extent of the country, is collected in morasses, and given back to the atmosphere by evaporation or allowed to soak through the soil. This deteriorating process will continue to operate until the country shall be effectually drained, which is an essential preliminary to the improvement of the soil or climate.

The example of England has been judiciously followed in adopting for Ireland the principle of the Poor Law of Elizabeth; let this be extended to the adoption of the "Bill of Sewers" of Henry VIII.

The preamble of that Bill sets forth, that

"Our Sovereign Lord the King, like a virtuous and most gracious prince, nothing earthly so highly weighing as the advancing of the common profit, wealth and commodity of this realm, considering the daily great damages and losses which have happened in many and divers parts of this his said realm, as well by reason of the outrageous flowing surges, and course of

the sea in and upon marsh grounds and other low places, heretofore through politick wisdom won and made profitable for the great commonwealth of this realm, as *also by occasion of land waters and other outrageous springs* in and upon meadows, pastures and other low grounds adjoining to rivers, floods and other water-courses," &c.

It contains ample powers for the formation and maintenance by the Commissioners of such main lines of sewers, streams, water-courses, &c. as shall be necessary,—and to prostrate such impediments to the free course of the waters as to them should seem meet. The Commissioners are also directed

"to enquire (by the oaths of the honest and lawful men of the shire, &c.) *who hath or holdeth any lands or tenements* or common or pasture, &c. and all those persons to tax, &c. after the quantity of their lands, by the number of acres or perches, &c. for redress and reformation, to be had in the premises, &c. &c." [They are also empowered to sell freehold lands so charged to pay assessments, which provision is extended to copyhold lands by 7th Anne, c. 10.]; "and to make and ordain statutes, ordinances and provisions from time to time, as the case shall require, for the safeguard, conservation, redress, correction and reformation of the premises, and of every of them, and the parts lying to the same, necessary and behooful, after the laws and customs of Rumney Marsh, in the county of Kent, or otherwise by any other ways and means after their own wisdoms and discretions."

These extensive powers are granted according to the words of the Act, for

"*that by reason of our dignity and prerogative royal we be bound to provide for the safety and preservation of our realm of England.*"

The decrees of Commissioners of Sewers are to be certified into chancery, and their conduct is under the control of the Court of King's Bench, which has sometimes decreed against the extensive powers they have occasionally exercised under the 23d Hen. VIII. But the powers which such Commissioners have been adjudged to possess under that act, would be amply sufficient for the preliminary drainage required for the purposes we have had under consideration. They have jurisdiction over sewers communicating with a navigable stream, or with the sea above the point where the tide ebbs and flows, if it be useful for navigation, and if the place over which the jurisdiction is exercised is, or is likely to be, benefited by it *;

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2 Term Rep. K.B. 358.

they may order old banks to be new made or alter a sewer upon any inevitable necessity—survey rivers—public streams, ditches, &c. and make order for that purpose. They may inquire of all nuisances and offences committed by the stopping of rivers, erecting mills, and not repairing of banks and bridges, &c. and tax and assess all whom it may concern for the amending of defaults, which tend to the obstruction or hindrance of the free passage of the water through its ancient courses. Their object is the general good—so that they are not justified in intermeddling where there is not a public prejudice. They cannot assess a person in respect of drains, which communicate with other drains that fall into the great sewer, if the level of his drain is so much above the sewer that the stopping of the sewer could not possibly throw back the water so as to injure his premises; and if he be not, and it does not appear that he is likely to be benefited by the works done upon the sewer*. The drainage which would be thus effected in Ireland would be connected with the improvement of navigation;—the expense of the works would, therefore, be partly defrayed by the produce of tolls; and, as extending the means of internal communication would contribute to the general prosperity, and increase the revenue, an advance of public money might be reasonably expected for this purpose, for which the public would receive the most ample remuneration.

To the drainage effected by the Commissioners of Sewers, the reclamation of large tracts in England is chiefly owing. That a like commission would produce the like results in Ireland, by opening the great ventages, cannot be doubted, the cost of which would be a very trifling acreable charge over the surface benefited. Indeed, it may well excite surprise that a land-drainage act, which was amongst the earliest fruits of legislation in England, is yet to be enacted for Ireland. In 1731 a bootless effort was made by the Irish Parliament to accomplish a system of drainage: the preamble of an act passed in that year† stated that "there are great tracts of "unprofitable bog and low grounds overflown by rivers, "loughs, or the sea, which might be taken in, drained and

* Term Rep. K.B. Hil. 55, sec. 3. 447.

† 5 Geo. II., c. 9.

"improved, if the property thereof was settled, and due en-
"couragement given thereto;" and provided,—not that a crown commission should issue with summary powers to accomplish the drainage, and to levy the expense on the land improved, as in England; but that a proprietor might effect a partition by means of a chancery process, so tedious and expensive as to deter any one from having recourse to it in respect of land all but valueless in its existing state,—that drains might be made, "provided that no proprietor should "be liable to pay more than one shilling and sixpence for "each perch containing twenty-one feet in length, or be com-"pelled to pay more than 10*l.* in the whole toward making "such drain as aforesaid in one year,"—a proviso, which rendered that portion of the act also a dead letter.

The excellent provisions of Mr. Lynch's Bills would prove valuable auxiliaries to the crown commission for the removal of every impediment in the way of cultivation. One of the most important of these is that enabling the Bank of Ireland to lend money on mortgage. The good effects of such loans in England were experienced in 1823, when the Bank of England made advances to English landholders on mortgage at four per cent. The result of this measure on the part of the Bank was to inspire such public confidence in this mode of investment, that individuals and public bodies came forward and offered to lend money on the same and even lower terms. Similar advances by the Bank of Ireland to Irish landholders would enable them in some instances to pay off encumbrances bearing a high rate of interest, and in others to promote improvements upon property. The effects of example would doubtless prove equally beneficial, and capitalists would come forward to invest when it was found that Irish security obtained its due weight and consideration in the opinion of monied men; which would put an end to the system of borrowing by judgment, so destructive to landowners, and harassing to tenants, by means of the several elegits issued against the same lands.

The Commissioners of Poor Inquiry recommended that a Board of Improvement should be appointed for the several purposes under consideration.

The labours of this commission can never be sufficiently

appreciated, but, unfortunately, their recommendations were not of equal value with the mass of minute information on the actual condition of the poorer classes in Ireland collected during their investigation. It did not appear to them that a system of compulsory relief for the destitute poor was the first step to civilization and improvement. They thought that the country might prosper without it—in other words, that the arch might be erected without the corner-stone. The powers they recommended to be given to the Board for "enforcing improvements in property, at the expense of the property improved," were carried beyond legitimate principles in their application to lands in cultivation.

It is a remarkable fact, that Ireland had ceased to import and begun to export corn, just at the period when England began to import corn and had ceased to export. England is now depending on foreign countries for upwards of a million quarters of wheat annually*, and this is but a portion of her wants; for she annually imports seeds, butter and cheese in large quantities from Holland and the Baltic States. In 1831 the sum of 4,500,000*l.* was expended for foreign corn alone; this was an unusually large importation, but that of the past year has been even greater. In consequence of this, bullion to a very large amount has been withdrawn from the country; the price of every other article has been materially affected, and mercantile transactions seriously disturbed, owing to the effect of that withdrawal on the currency. Every year our dependence on foreign supplies will be increasing, unless we take means for increasing our home supply.

It was stated by Mr. Huskisson, that in the first eighteen years of the war we were forced to pay upwards of sixty millions to nations, every one of which had in the course of it been our enemy, for a scanty and inadequate supply of foreign corn; and when for this purpose we had parted with all our gold, and even our silver currency, combined Europe shut its ports against us, and America co-operating, first laid an em-

* From 1814 to 1831, both inclusive, England imported corn to the value of 30,447,059*l.*, exclusive of corn from Ireland to the value of 23,212,329*l.* in the same time, the yearly average of that foreign corn being 1,640,393*l.*—*Parliamentary Paper*, 423, *q.* 1832.

bargo, and then went to war; and in the Report of the Agricultural Commmittee of 1821, which was drawn up by him, it is stated, "Your committee are not insensible of the im-" portance of securing this country from a state of dependence " on other, and possibly hostile countries, for the subsistence " of its population." The fact which we have stated, of Ireland becoming an exporting country of corn, at the period when England began to have a deficiency of agricultural produce to meet her consumption, points her out, as by the finger of Providence, as the means of securing this country against that state of dependence which Mr. Huskisson deplored.

It is in evidence, that the extensive arable territory of Ireland is not half cultivated. There are five millions of acres waste, capable of cultivation, and unemployed labour is imploring for permission to render them productive. It is not an exaggerated calculation, that the reclaimable wastes of Ireland would yield a rental of four millions if brought into cultivation; and if, in addition to this, a proper system of agriculture were adopted, and the means of internal communication extended, the present rental would be more than doubled. Ireland would be thus fully enabled to supply the agricultural wants of England, whilst the augmented employment afforded to the people would greatly enhance the revenue, and considerably increase the demand for English manufactures.

That Scotland is inferior in soil and climate to Ireland, is known to every one; yet the revenue collected in the former, in 1834, on articles also taxed in Ireland with precisely similar rates, amounted to 2,377,386*l.* per annum; while the revenue collected in Ireland on these articles in that year amounted to 1,975,331*l.* per annum. Were trade and the consumption in proportion to the population, and the country on an equality of condition with Scotland, the Irish revenue would have been nearly 8,000,000*l.* By raising, therefore, the condition of Ireland to an equality with Scotland, six millions a year might be added to the revenue, which would enable the minister to abolish the malt-tax and other taxes that press heavily on the agricultural interest in England, and have the effect of extending and improving agriculture here, by rendering it a more profitable mode of invest-

ment than at present. The following remarks of Mr. Lynch on this subject are worthy of the most serious attention:—

"It is unnecessary to state that the home trade is always more profitable than the foreign. Would it not be wise to depend as little as possible upon foreign supplies; and that as England is not able to grow produce sufficient for her support, the deficiency should be obtained from Ireland, as far as she is able to supply it? If the corn laws are to be abolished, and there should be a considerable depreciation in rents, (which is so much dreaded,) the landed interest in England must look for relief to an improved system of agriculture, (for England is behind many of her neighbours in that science,) and the remission of those taxes which press heavily upon the agriculturist, and which may be done without diminishing the revenue, by improving the Irish revenue,—the necessary consequence of the employment of the people, who will require greater comforts, and purchase a greater quantity of taxed articles."—*Page* 25.

Mr. Weale, in his evidence before the Committee of 1830, states,

"I can hardly conceive a limit to the new market for British manufactures, and for native labour, by an improved system of management and cultivation of landed property in Ireland. There is such an immense mass of people in Ireland who are unclothed, unfed and unhoused, that I doubt whether even the new markets we have sought for in South America can be considered half as valuable as that which lies at our door."

Such would be the certain advantages to England from the measures we have had under consideration—to Ireland the benefits cannot be adequately described:—a greater amount of income to the landlord, more profits to the farmer, more wages to the labourer, improved habits, order, peace, industry, obedience to the laws,—all the blessings which follow in the train of civilization, will take root and flourish, when the barriers to improvement are removed, amongst a people peculiarly susceptible of external impressions, whether for good or for evil. We have a cheering confidence that the evidence recently taken before the Lords' Committee will be productive of the most beneficial results. Men removed beyond the influence of local prejudice and above the mists of party feelings, which have obscured the mental vision of the most amiable men in Ireland, will dispassionately consider the deep-rooted causes of the anomalous state of society which exists there, and endeavour to remove them. Whether it be from the early system of laws and government, under which Ireland started into political existence, which separated its

people into hostile tribes, and destroyed the growth of a national spirit,—or whether it be from the discordant relations which so long existed between two races, "the one doomed "to all that is tumultuous in freedom without its independ-"ence, the other endued with every attribute of despotism, "except its power,*"—or whether from the seeds of anarchy that have been sown in later times,—or from a combination of all or any of these causes; true it is, that a spirit of partizanship seems to be indigenous to the country, from which even its historians are not free.

In sifting the evidence on this important subject, it will not be well therefore to rely altogether on the views of those who only see the white side of the shield, with the Walkers, the Keatings, the O'Hallorans,—or of those who only see the black, with the Ledwiches and Pinkertons. The truth, as is usual in such cases, will be discovered by compounding between the opposite extremes.

Article IX.

1. H. Düntzer. *Homer und der epische Kyklos.* Köln, 1839.
2. G. Hermanni Opuscula. Vol. vi. pp. 70, *sqq.* *Ueber die Behandlung der griechischen Dichter bey den Engländern.* Lips. 1835. Vol v. pp. 52, *sqq.* *De interpolationibus Homeri.* 1834.
3. Wilh. Müller. *Homerische Vorschule,* 2te *aufl.* Leipz. 1836.
4. G. W. Nitzsh. *Erklärende Anmerkungen zur Odyssee.* Hanov. 1831. 2 Bde.
5. Bernh. Thiersch. *Urgestalt der Odyssee.* Königsberg, 1821.
6. F. A. G. Spohn. *De extrema Odysseæ parte.* Lips. 1815.

The controversy relative to the origin and history of the poems of Homer has now agitated the literary public of Germany for upwards of forty years; yet the interest in the

* Moore.

question seems to be as fresh as ever, and in spite of the voluminous library of polemical works which it has already produced, the press still teems with new publications devoted to its discussion. It is one which has attracted comparatively little notice among ourselves—partly, no doubt, owing to the decline of taste in Britain for speculative philology—partly perhaps to a tacit conviction on the part of our elegant scholars of the inherent vanity of the new theories, in attack or defence of which the war has been carried on; and a consequent willingness to allow the claims of the poet or of his works to a primitive integrity of genius or of composition, to rest on their own merits. A few notices on the present state of the controversy among our neighbours may yet be not altogether unacceptable to British readers.

Although views similar to those promulgated by Wolff had been incidentally expressed, or even formally advocated in various quarters, long prior to his time, yet the credit of original invention, as regards what is now called in deference to him the Wolffian theory, has been not unfairly ascribed to him, since he was the first to embody it in a systematic form, supported by all the resources of learning and ingenuity which were so largely at his disposal. The substance of his doctrine, as first propounded by himself, was, that the rhapsodies or integral parts which now constitute the Iliad and Odyssee were neither composed by one author, nor in the form of a continuous narrative; that they were originally a chaos of undigested elements, with no other bond of connexion than the common subject to the celebration of which they were devoted, preserved solely by memory and the public recitation of popular minstrels up to about the 60th Olympiad, when they were finally committed to writing, and reduced to their present consistency, by the ingenuity of a compiler. This system has since by its author or his disciples been subjected to various modifications. The proofs on which he rested its support were, as usual in such investigations, twofold; historical authority, and the internal evidence of the poems themselves. Those of the first class, consisting chiefly of detached passages of writers of a comparatively low epoch, are now generally admitted by the more reasonable followers of Wolff, amid the silence, often the virtual dissent, of the more

ancient and respectable native critics, not to merit the importance which he himself first attached to them. They appear indeed merely to embody, often perhaps in an exaggerated form, certain traditions relative to those real obstacles which an infant state of literary culture could not fail to interpose to the genuine or entire transmission of any work of similar bulk and character. Wolff's view of the origin and progress of the art of writing may also now be said —at least in its more extensive form—to be very generally repudiated as a paradox. It would seem then that the long discussion to which the question in all its bearings has now been submitted, has at least had the effect of bringing it within somewhat narrower and more convenient limits; and that, by the common consent of both parties, the page of the poems themselves is the field on which the action must ultimately be fought, and the internal evidences of their text the weapons by which the victory is to be decided. This admission is usually followed up on the sceptical side by an adduction, in dismal array, of the numerous self-contradictions and incoherencies observable between different portions of the narrative, incompatible, it is maintained, with the belief of any primitive integrity in the existing framework of either poem. That such discrepancies do exist no impartial reader can deny; and as the other party have never ventured formally to impugn the validity of the inference deduced from them by their opponents, they are thus placed in the awkward dilemma of either attempting by forced interpretations to strain palpable discordances into harmony, or of accounting for them by interpolation, corruption, or dislocation of an original integrity of framework, expedients which obviously tend but to strengthen the adverse cause. This argument therefore has been from the first the stronghold of the disciples of Wolff, to which those derived from imputed incongruities of style and language are altogether secondary. In endeavouring to form an estimate of the real value of a critical axiom, which, in its special application to Homer, assumes so formidable an importance in the judgment of those authors to whose works attention is directed at the head of this article, the first question that might naturally be expected to suggest itself to the unprejudiced critic is, How stands the case with regard to

other epic poets? and what would be the consequence of an equally rigorous application of the same rule to their compositions? This point we determined to investigate; and for that purpose instinctively turned our attention to the Æneid, which, at however great an interval, must yet be considered, both in point of antiquity and similarity of plan and method, as presenting among the epic productions of historical ages the closest analogy to the Iliad, and which is usually admitted to be the most elegant and highly polished work of its class. We here offer the results of an impartial analysis of its text on the most rigid principles of the Wolffian school; and in order to give its full effect to the scrutiny to which the consistency of the Latin poet is here subjected, we have taken the liberty, in adopting the same line of argument, to assume the character, or at least the tone and manner, of those, by whom during the last forty-five years the same test has been so mercilessly applied to the works of his great prototype.

First then let us direct our attention to the singular nature of the hiatus between the second and third books. The concluding line of the former dismisses Æneas in a very abrupt manner in the act of flight across the plain from the burning city towards Mount Ida with his father on his back: *et sublatum montem genitore petivi.* Not a word more of where he sought or found a refuge—how he escaped the extended ravages of the Greeks—how and when the departure or indifference of his ferocious enemies left him at liberty to devise further measures for his future safety; but the next book opens with a few general observations on the fall of Priam's empire, and within ten lines we find the Dardanian hero with his adherents assembled and his fleet constructed, ready to set sail in quest of foreign settlements. Such strange vagueness where precision is so indispensable, were in itself calculated to excite reasonable doubts of any original connexion between these two parts of the existing Æneid. It is difficult to understand how any poet of taste and talent, who had really proposed to himself to treat the whole series of Æneas's adventures subsequent to the entrance of the Greeks into the city in one continuous narrative, could have failed to discover in the interval between the hero's flight to Mount Ida and his equipment of the fleet at Antandros, materials sufficient, if

not for a whole canto, at least for an extensive addition to the existing text. This supplement was indeed absolutely necessary in order to remedy a palpable flaw in the present connexion of the narrative; for if the Greeks maintained possession of the Troad, how could Æneas be allowed quietly to occupy himself in fitting out a formidable armada in the very midst of their newly-acquired empire? If on the other hand they abandoned their conquest immediately, where was the necessity for the hero flying from his native land in search of foreign settlements? This surely required explanation. Here then we have a serious defect both in the poetical and historical structure of the poem, for which the only apparent remedy would be to assume, that the narrative of Æneas originally comprehended merely his own voyage and adventures subsequent to his flight, and that the second book is a later interpolation. This will appear the more probable, if we reflect that the fall of Troy itself must have been an event of too great notoriety in the great emporium of Mediterranean commerce, to admit of so minute an account of it, after a lapse of five or six years, being either novel or interesting. Besides, the narrative of Æneas as it now stands is longer than could have been conveniently rehearsed or listened to at a sitting—an argument which has been so forcibly urged against the primitive integrity of the parallel episode of the Odyssee, and which admits of a closely similar application to the present case*. By curtailing it as here proposed, it would be reduced within natural and commodious limits. All this seems to be strikingly confirmed by the fact, that the exordium of the third book, in the historical vagueness and generality of its terms, really offers all the characteristic features of the commencement of an independent narrative; so that by transferring to it the pair of introductory verses now prefixed to the second, the third, by a very slight alteration in its concluding lines, might be connected with it in the easiest and most natural manner.

* Although the narrative of Æneas is somewhat shorter, more especial attention must here be paid to the lateness of the hour at which the hero commenced his narrative; taking into account the time previously occupied by conversation, songs, &c., which by reference to *vv.* 727, 740, may be presumed to have been greater in the Æneid. Conf. Nitzsch, Erkl. Anm. zur Odyssee. Bd. II. p. xlviii. *sqq.*

The arguments hitherto urged against the genuine character of the second book, however weighty, are but of a speculative nature, as compared with the conclusive evidence supplied by the glaring discrepancies as to plain matter of fact observable between it and the remainder of the poem. At *v.* 567, *sqq.*, Helen is represented during the sack of the city as hiding herself in the sanctuary of Vesta—trembling equally before victor and vanquished, from whom she equally expected the punishment due to her past crimes, and to all the misery of which she had been the original author to both parties, but especially apprehensive of the wrath of her infuriated husband Menelaus. In book vi. on the other hand, *v.* 511, *sqq.*, the same heroine is described as having been the accomplice of the Greeks—as having spent the night in promoting the public festivity in order to lull suspicion on the part of the Trojans—as having herself given the signal for the issue of her countrymen from their ambush—and as having with her own hand opened the palace gates to Menelaus. The efforts of the commentators to restore harmony by ejecting either of the contumacious passages are here in vain; they are too inseparably linked with both the poetical and mechanical structure of the context to admit of any such accommodation. Another discordance, which if not more extravagant, is still more palpable, and by consequence still less pardonable, on account of the vicinity of the two passages, exists between *v.* 781 of the second book and the whole first half of the one immediately following. In the former place, the spirit of the unfortunate Creusa, appearing to Æneas, solemnly announces his future destination to be the plains of *Hesperia and the banks of the Tyber*, where he was to obtain a new spouse and found a new empire. At the opening of book iii. however we find the hero quite unconscious of this prediction vouchsafed him not fifty lines before, setting sail, *incertus quo fata ferant, ubi sistere detur*; and soon after, as practical evidence of his ignorance, he lands on the opposite coast of Thrace, and commences the formation of his new settlement. When driven from hence by inauspicious omens, he wanders at random over the face of the Ægean, consulting the various prophets he falls in with as to the proper place to be selected for his future abode. At *v.*

104 we find him contemplating a settlement n Crete; and at last, when Apollo himself finally announces to him that he is to sail to *Hesperia and the banks of the Tyber* (*v.* 163), he is quite bewildered and astonished at the news (*v.* 173); plain evidence that the author of this book was as little privy to the contents of the one preceding as its hero was to the late prophetic communication of Creusa. This discrepancy has not escaped the notice of the Delphin editors, (*ad v.* 130,) but in their day the critical art was not sufficiently advanced to lead them to the right inference.

The expedient already suggested as most simple and natural for bringing the tale of Æneas into harmony with the rest of the poem, would be to assume, that it originally comprehended but the third book—that the second is a later interpolation—and that the first and third were formerly connected by a bond of cohesion, which has been disturbed by the diasceuast for the purpose of inserting the second. This expedient however, is we fear excluded by a further analysis of the text of the poem at large, which would seem to prove that, even in its thus purified form, the narrative of the hero could not have been intended for the framework in which it is encased, nor the audience to whom it is addressed. It will be observed that Æneas in the early part of his peregrinations is especially favoured with divine instructions, both prophetic and monitory, and delivered through numerous and various classes of agency, relative to his future career. First we have the communication of Creusa; secondly, that of the oracle of Annius (iii. 94); thirdly, that of Apollo himself (iii. 161); fourthly, that of the harpy Celæno (iii. 247); fifthly, that of Helenus (iii. 374, *sqq.*). Upon no one of these occasions however, amid very specific details relative to the other vicissitudes of the hero, is there the remotest allusion to the affairs of Dido, to the shipwreck, or to any portion whatever of his African adventures. Even the terms of Celæno's address (iii. 253-4) appear quite incompatible with his future course as actually described; but in the case of the prophet Helenus the anomaly is still more glaring. That seer gives a very careful and comprehensive summary of his subsequent voyages—with the very marked exception above alluded to—from Epirus to the coast of Apulia, down that of Magna Græcia, past its various

maritime cities, mentioned by name, to Sicily, where we have special allusions to Scylla, Charybdis, &c.; from this island however he brings him at once (by the favour of Juno!) to Italy. This pointed omission, in so minute an oracular detail of the hero's future voyage, of so much as a hint at what really is its most momentous and interesting adventure, as it now stands, appears in itself quite incompatible with any identity of person between the poet who had been guilty of it and the one by whom that adventure is afterwards described; nor indeed is it credible, that any poet, under whatever circumstances, would have made his hero offer so bad a compliment to his fair hostess, as to represent, and that in so marked a manner, her concerns alone as too insignificant to be considered worthy of oracular notice. But the special terms of that part of the address of Helenus where the omission is chiefly remarkable, are such as to put an end to all conjecture on the subject, containing as they do a palpable contradiction of the contents both of the first and fifth books, the portion of the present text immediately preceding and succeeding that which comprises the hero's African adventures, iii. 437:—

> "Junonis magnæ primum prece numen adora;
> Junoni cane vota libens, dominamque potentem
> Supplicibus supera votis; sic denique victor
> Trinacriâ fines Italos mittere relictâ."

In the immediate sequel the hero accordingly offers up a prayer to Juno; but throughout his whole course between Trinacria and Italy, (to which the seer's injunctions especially apply,) as described in books i. and v., so far is Juno from being in any way instrumental to his progress, that she is the sole or chief obstacle he has to contend with; and far from attempting to propitiate her with vows or sacrifice, the services of Venus, Neptune, &c. are constantly resorted to, in order to thwart her vindictive designs against him. According to the natural and obvious sense of the last two lines of this quotation, Æneas, by the favour of Juno, was to pass directly from the coast of Sicily to his ultimate destination. But certainly no prophet or no poet in his senses, if familiar with the vicissitudes of the hero, as actually described, between these two points, with the scattering and partial destruction of his

fleet on the coast of Libya by Juno herself (!), and his half-year's residence and adventures in that country,—could ever have expressed himself in such a manner. In all this therefore we have conclusive evidence that the personal narrative was originally destined for a different audience, and consequently for a different framework, from that into which the diasceuasts have inserted it. The visit of Æneas to Dido, it may be remembered, was a disputed point among Roman mythologists. There can therefore be little doubt, by reference to the internal evidence of the texts just cited, that this episode was composed in its original form by an adherent of the sceptical doctrine.

The incongruity above pointed out between the conclusion of the second and the commencement of the third book, striking as it is in itself, sinks into insignificance when compared with that to which we are about to turn our attention. The tenth book leaves us in the midst of the fiercest turmoil of a battle, and the two concluding lines describe the death, by the hand of Æneas, of a distinguished leader of the enemy.

> "Hæc loquitur, juguloque haud inscius accipit ensem,
> Undantique animam diffundit in arma cruore."

The eleventh resumes the interrupted tale in the following manner:—

> "Oceanum interea surgens Aurora reliquit.
> Æneas, quanquam et sociis dare tempus humandis
> Præcipitant curæ, turbataque funere mens est,
> Vota Deum primo victor solvebat Eoo.
> Ingentem quercum decisis undique ramis
> Constituit tumulo, fulgentiaque induit arma
> Mezenti ducis exuvias.

According to the natural and obvious interpretation of these contiguous texts, this engagement must either have commenced at night, or must have been continued from the evening of the former day, all night long, up to the morning of the next. "In the mean time," (that is, while the battle was still raging,) "as day-light breaks in upon the host, "Æneas busies himself by the aid of its friendly gleam in "returning thanks for his victory, and constructing a trophy "with the spoils of his slain enemy!" Such is the tissue of extravagances that results from the existing order of these

passages; and can any reasonable man believe that two such uncongenial elements were ever destined by the same creative genius to form parts of the same composition?

In the fifth book we have the well-known episode of the Trojan women, who, wearied with the long voyage, and anxious for rest and peace in the national settlement of Acestes, at Segeste, set fire to the fleet, and four of the vessels are consumed. In consequence of this accident, it is decided by the chief, (*v.* 713, *sqq.*) that not only the females, as they themselves had desired, but the infirm, from age or sickness, of either sex, should be left in the Sicilian colony, and the reduced number of ships be manned by a choice body of the young, vigorous and enterprising. On this determination being announced, the women, by a sudden and natural revulsion of feeling, now implore to be re-admitted to share the destinies of the expedition, (*v.* 765, *sqq.*) but in vain; Æneas is inexorable, and sets sail without them. At the commencement of the seventh book therefore one is somewhat surprised to find his own nurse Cajeta dying on the voyage. The rule laid down was described as peremptory, and no exception whatever was alluded to. Let us however, by a stretch, indulge the hero with one act of partiality in favour of a person so nearly connected with himself, and assume that the poet had forgotten to record the circumstance. But in the ninth book we find that the mother of Euryalus, a stripling of neither rank nor authority in the host, had also been allowed a passage (*v.* 284); and what is worse, it is said, that "she alone of all the matrons, on the departure of the fleet, "had preferred sharing the fortunes of her son to remaining "by the flesh-pots of Acestes;"—a flat contradiction not only of the fact as formerly narrated, where the whole body of women are described as equally eager to continue their travels, and equally prevented by the order of the chief, but of the previous statement relative to Cajeta. It is plain therefore that the author of the fifth book, and the author of the ninth, or at least of the episode of Nisus and Euryalus, followed a different version of the same mythological fact. Great and merited importance has been assigned by the commentators of the Iliad to the circumstance, that in that poem heroes sent dangerously wounded to their quarters in one day, are de-

scribed as fresh and vigorous for the combat on the next. These critics however will surely admit, that a single Virgil was as incapable of exhibiting his heroines as present at the same moment both in Sicily and Latium, as a single Homer was of describing his heroes as at the same moment lying sick in their tent and taking the lead in the field of battle.

The winds whose agency is resorted to by Æolus to scatter the fleet of Æneas in book i. *vv.* 85, *sqq.* are Eurus, Notus, Africus, and Aquilo. The chief loss the hero had to lament on this occasion was Orontes, a Lycian chief (*v.* 113). In book vi. this person, when introduced in the infernal regions, is said to have fallen a victim to the fury of Auster, a wind not so much as mentioned in the description of the storm! Observe too how widely the topography of this mishap here differs from that of the previous description, *v.* 333.

> "Cernit ibi mœstos et mortis honore carentes
> Leucaspim et Lyciæ ductorem classis Orontem,
> Quos simul a Trojâ ventosa per æquora vectos
> Obruit Auster."

According to the natural sense of the third of these lines, the death of the two chiefs took place about, or immediately after, their departure from the Troad; whereas the storm on the coast of Libya was on their attempted passage from Sicily to Italy five or six years afterwards. The Leucaspis too, to whom so great importance is here assigned, is never mentioned in the description of the storm; a circumstance which supplies the same evidence of the spurious character of this text, as the surreptitious introduction of a hero unknown to Homer into the Trojan horse, of that of the passage of the Odyssee (δ. 286) in which it takes place.

By reference to *vv.* 52, *sqq*, 193, 309, *sqq.* of book iv., it appears that Æneas left Dido in mid-winter: yet on his arrival at Segeste,—even if the whole subsequent description of the games—the green grass—the serene sky—the amphitheatre of dense woods, did not imply summer or advanced spring,—the mention (book v. *v.* 9) of the crowns of leafy poplars and garlands of rosy flowers on the very day of his disembarkation, would leave no doubt on the subject. The argument of spurious origin, so ingeniously urged by Spohn* against an

* De extr. Odysseæ parte, cap. vi.

integral portion of the Odyssee, from a similarly sudden variation of the seasons, is trifling as compared to this.

The very exordium of the Æneid, so blindly admired by superficial critics as giving in a few lines an elegant and comprehensive sketch of the whole poem, furnishes perhaps still stronger symptoms than that of either Iliad or Odyssee of the handiwork of a different artist from him to whom we owe the body of the work, in the two following lines:

> "Multa quoque et bello passus dum conderet urbem,
> Inferretque Deos Latio."

The Æneid does indeed contain an account of the latter description of warfare, that namely for securing a settlement for the Trojan *penates*; but it contains no account of any city founded by the hero, nor consequently of any wars during, or connected with, its foundation. Observe too the incoherence of the structure, where the foundation of the city is placed prior to the importation of the household gods! The author of this passage has therefore either been guilty of an impropriety unworthy of the genius of a Virgil, or else the exordium itself was intended for a poem comprising an account of the actual foundation of Lavinium, Alba, or even of Rome, as variously conjectured by the commentators. Servius indeed attempts to evade this difficulty by assuming the city alluded to, to have been the place called Troja, where the new settlers first established themselves on the coast. But, as the Delphin editors justly remark, it is evident from the poet's own genuine text that this was merely a temporary camp or intrenchment, which never could lay the slightest claim to such an honour.

In book x. Pallas is slain by Turnus (*v.* 493, *sqq.*), who detaches and appropriates the belt of the young hero as the sole trophy of his victory, generously leaving the body in other respects unspoiled and unmutilated to his comrades, who bear it off on his shield. At *v.* 91 of book xi. this statement is broadly contradicted, where we find the funeral pile of the same Pallas decorated with his spear and helmet alone, "as the rest of his arms" (consequently shield, cuirass, greaves, sword) "were in the possession of Turnus." Spohn's acumen has discovered a very ingenious argument of original disconnexion between the thirteenth and seventeenth books of the Odyssee, in the circumstance, that Ulysses, in his character

of beggar, after having in the former place been presented with a staff by Minerva, is found in the latter requesting the loan of one from Eumæus. The argument in the present case is the more conclusive, in proportion as the armour of a hero is a nobler object than the walking-stick of a mendicant. In the spirit of impartiality it may however be observed, as regards the Odyssee, that this acute critic has overlooked the λύσις supplied by *v.* 34, where it will be seen that the hero had parted company with Minerva's present in his encounter with the dogs.

The foregoing portion of this catalogue of Virgilian self-contradictions and incoherences has been limited to those observable between different books or integral portions of the existing framework of the poem. The list might be greatly augmented did we consider it worth while to extend the analysis into more subtle detail. We shall however be contented with adding a few equally strange discordances in the internal structure of the separate books, tending to display, perhaps in still more glaring colours, the actual uncongeniality of the materials of which the whole or the greater part of the text is compounded.

At *v.* 122 of book iv. Mercury is sent by Jupiter to warn Æneas to break off his connexion with Dido and continue his voyage. The hero obeys—takes leave of the queen—prepares his fleet and crew zealously and expeditiously—and is quietly enjoying his night's repose after everything has been arranged for his departure by daybreak on the morrow, when on a sudden his slumbers are broken (*v.* 555) by the officious reappearance of the divine messenger, without even the usual formality of an order from Jove, or the slightest apparent cause for such interference, still less for the remonstrances by which he is made to stimulate the energies of the already zealous traveller. The suspicion which these considerations naturally awaken, as to the genuine character of this passage, will amount to conviction by reference to the following gross contradiction between its contents and the previous and subsequent context. In the opening lines of the next book, where the poet resumes his description of the hero's voyage,

> "Interea medium Æneas jam classe tenebat
> Certus iter, fluctusque atros Aquilone secabat,"

the expression *Aquilone* occasions some difficulty, as the south,

not the north wind, was required for a voyage from Africa to Italy. The apparent anomaly is however explained by *vv.* 309, *sqq.* of the previous book, where Dido, in her reproachful address to her lover, says,

> "Quinetiam hyberno moliris sidere classem
> Et mediis properas Aquilonibus ire per altum
> Crudelis!"

From this it appears that the departure of Æneas took place, not only, as we have already seen, in winter, but in stormy weather; and accordingly, as Heyne very justly remarks, the queen, ironically enhancing his unfeeling haste to carry into effect his cruel purpose, pointedly alludes to his wind as *ventum omnium atrocissimum, et in plurali ad augendum metum.* "Ergo per altum, et cum Aquilonibus, et hyberno tempore!" The expression *Aquilo* therefore, in the fifth book, taken in the same unfavourable sense, stands in just connexion with this passage, and with its own subsequent context, where a storm assails the fleet. When therefore we find Mercury, in his second visit to Æneas, making use of the following exclamation, (*v.* 562,)

> "Demens! nec Zephyros audis spirare secundos!*"

we discern at once the blundering compiler or interpolator, who, ignorant or careless of the spirit of the main narrative, introduces his pseudo Hermes with the usual common-place encouragement to voyagers, of fair weather and favourable zephyrs.

The winds, as we have already remarked, who assault the fleet of the Æneas in the opening scene of the poem, are Eurus, Notus, Africus, and Aquilo. At *v.* 131, the angry expostulations of Neptune at this interference with his element are addressed to Eurus and Zephyrus alone, the latter of whom is not named in the former passage; with what propriety then can he be here called into judgment to the exclusion of the other three guilty parties? If we further consider

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* As this incongruity is really prejudicial, not merely to the historical, but to the poetical consistency of the narrative, the following very gentle correction suggests itself:

> Demens! nec Zephyros audes sperare secundos.

A parallel construction of the verb *audeo* is very frequent with Virgil. Conf. Georg. ii. 332. Æn. v. 383.

that Zephyrus with Virgil is elsewhere the usual personification of gentle and favourable breezes, we shall the more readily pronounce so strange a disturbance of the poetical harmony of the text to be, as in the foregoing somewhat parallel example, the work of a later interpolator.

At *v.* 16 of book ii. the wooden horse is said to be constructed of fir—*intexunt abiete costas*; at *v.* 112 we are told it was made of maple wood—*trabibus contextus acernis*; at *v.* 186 it is built of oak—*roboribus textis*!

The corruption of the text in which these blunders originate extends, in the case of the two latter of the above-cited verses, to the whole passages in which they respectively occur, and which will be found to be no less widely at variance with each other in their integrity than in their details. In the first, Sinon gives the Trojans to understand, that their enemies, wearied with fruitless warfare, had long ago determined to abandon the contest and return home; that their intention had been repeatedly frustrated by unfavourable weather; but that after being ordered to propitiate the deity by a human sacrifice, they had finally carried it into effect. In the sequel this whole story is contradicted, and he tells them that the Greeks first lost heart on observing the divine displeasure at the rape of the Palladium; that Calchas, immediately on witnessing the fearful omen that attended its first arrival in the camp, had ordered them to return forthwith, to renew on their native soil the propitious auspices under which they set out, and to recruit their army; that these were the sole objects of their departure, and that they would soon return in better spirits and with additional forces. Here indeed we have contradiction within contradiction. The change of weather was only to be effected by the blood of an appointed victim. That this blood was never shed Sinon himself is the living witness; and yet the favourable wind is obtained and the departure of the fleet takes place!

Heyne*, followed by several other influential critics, has ingeniously adduced as evidence of the subtle but unsuccessful artifice of the compiler in the case of the Iliad, the undue number of events accumulated within a given period of time

* Excurs. I. ad Il. Σ.

in its action. Surprising, that the same acute commentator should, in his no less elaborate analysis of the Æneid, have overlooked the far more conclusive argument of the same kind supplied by its text! According to his own very judicious and accurate summary of the chronology of that poem*, the period that intervened between the landing of Æneas and the death of Mezentius, at the conclusion of the first great battle, was just four days, that of disembarkation included. Now the accumulation of events within this space will be found to amount, not merely, as in the action of the Iliad, to a gross improbability, but to an absolute physical impossibility. Not to mention various other less glaring extravagances, such, for example, as the rapid and multiplied motions and actions of both Æneas and Turnus within this limited time, attention may be more especially directed to the following points. Among the allies summoned by Turnus to his aid, and who take part in the battle above-mentioned, are the Marrubians (vii. 750), the Amiternians (710), and the Abellans, with the Sarnians and other kindred tribes (738); the two former each from a distance of above eighty Roman miles, the latter from a distance of 160. We shall confine our closer analysis to the latter case. A hundred and sixty Roman miles are four good days' forced march for the best troops. To these we must add a nearly equal period,—say but three days,—employed by the messenger sent by Turnus to summon them. The shortest possible time, therefore, within which this contingent could have reached the field of battle is seven days,—making no allowance for that necessary for muster, preparation, repose on arrival, &c. Now assuming that Turnus's messenger was despatched on the very day after Æneas landed, consequently the second of the four here at our disposal, the muster of the army, of which the catalogue is given in book vii., will be found complete on the day after: ix. *v.* 25, *Jamque omnis campis exercitus ibat apertis.* Consequently the journey in question of 320 miles must have been performed in about four and twenty hours! The miracle in the case of the Marrubians and Amiternians differs but in degree.

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* Excursus I. ad Æn. XII.

Among the Italian allies whom Æneas finds ready assembled at Sære with their fleets are the Mantuans (x. *v.* 198, *sqq.*). A Mantuan navy fitted out on the waters of the Mincio is in itself a poetical figure closely akin to that so celebrated in our own age, of a sea-port in Bohemia. But allowing that to pass, let us turn our attention to the strange fact, that this fleet, in order to have reached its destination, must have sailed down the whole length of the Adriatic, round the capes of Italy and Sicily, or through the straits of Scylla and Charybdis, a voyage equal in length and difficulty to that which it took Æneas himself so many long years to form, and all for the sake of sending a paltry contingent of 500 men to fight in a local quarrel in which they had no real interest, and who by a few days' march through a friendly country might equally have reached the seat of war. So extravagant a topographical anomaly on the part of the genuine Mantuan bard, in the case of his own native city, were indeed incredible. The source of the corruption is however here not difficult to trace. Virgil it would appear had, like his great prototype Homer, modestly abstained from all notice of his own birthplace or personal concerns. The diasceuast however thought that the introduction of some allusion to the native city of his author might have a natural and elegant effect, and has carried his object into execution in this preposterous manner.

He was probably ignorant of the geography of Northern Italy, and imagined that the Mincio sent its waters, not to the Adriatic, but to the Ligurian gulf. It will be further observed, that Ocnus, the leader of this marvellous expedition, is never once again mentioned among the heroes of the war.

After the first great battle between the forces of the two hostile confederacies, Æneas, the victor, generously grants a truce of twelve days (book xi. *v.* 133) for the purpose of burying the dead. The first day is occupied with preparations for the funeral; on the second (*v.* 182) the rites are celebrated; on the third (*v.* 120) a tumult takes place in the quarters of the enemy, and a great council of war is assembled, which is however suddenly broken up towards the conclusion of its deliberations by an alarm that the Tyrrheno-Trojan army

is on the advance (*v.* 445); and in fact a few lines afterwards we find Æneas scouring the country with his light troops. No one can believe that Virgil would have made his pious, just and generous hero guilty of so flagrant a violation of his own treaty. Here therefore we have a chronological blunder sufficient in itself to cast into the shade every specimen of similar anomaly that can be detected in the page of either production of the Homeric Muse, and furnishing by consequence conclusive evidence that no original bond of connexion exists between the first and last portions of this book.

Such is the line of argument by which it might be shown, on the improved principles of modern German criticism, that the Æneid is but a chaos of ill-digested materials still more heterogeneous than those which enter into the composition of either Iliad or Odyssee. We shall leave to the critical reader the task of distinguishing for himself the proportions in which earnest and irony are blended in the foregoing commentary. One thing is certain, that it contains no piece of caviling which might not find more than its match in the pages of some of the standard publications on the subject of Homeric discrepancy. The result however appears to us, apart from its mere curiosity, to involve considerations of no little importance, as bearing not only on an isolated point of Homeric controversy, but on the genius of the epic muse at large. These considerations we have been led to follow out by an analysis of the text of the Iliad and Odyssee upon a basis which we believe to be new, if indeed such a thing as novelty can be looked for in a subject which, to judge from the volumes already devoted to its treatment, has so much the appearance of being exhausted.

The want of fundamental principle, of some tangible basis or point of departure, is a feature which has frequently been noticed as vitiating, in its very sources, much of the argument that has been bestowed by the last and present generations of critics on the Homeric question, either in its integrity or in its subdivisions. The modern or Wolffian doctrine it will be observed, as now taught, is united in itself but in its rejection of the old one, and has resolved itself in its turn, with the fluctuating views of its author or his disciples, into two the-

ories; according to the one of which, the Iliad and Odyssee contain each a primitive framework or skeleton of original matter, the work of a single genius, enlarged and filled up during successive ages by the efforts of successive generations of poets; according to the other, they consist of a number of originally independent compositions of various authors and periods, finally moulded into one by the art of a compiler. The latter we shall characterize as the *atomic*, the former as the *patchwork* theory,—designations which we beg we may be understood to employ without the remotest view either to satire or irony, but simply because we know of no others which without a lengthy periphrasis, would convey so simple and accurate a definition. These two phases of the question are obviously little less opposed to each other than each one is to that in which it was formerly contemplated; and hence the mode in which the controversy is conducted on the part of their adherents, may be likened in some measure to an attack by a pair of confederates arrayed one on each side of a single adversary, and who, in their eagerness to demolish the common enemy, are perpetually inflicting heavy blows on each other. But besides this, in the speculations of many a subtle critic all three doctrines will often be observed to be blended and confounded in the strangest manner. How frequently do we find Homer cited in his individual capacity as the author of both poems, in a matter where his authority under that character was required for the moment, by the same critic who on other occasions shows himself the strenuous advocate of totally opposite views! How often is the argument from interpolation (a term which in its very essence denotes the tampering with the integrity of a genuine work) adduced, without a word of explanation or apology, in support of opinions which seem in themselves to exclude the notion of any such thing! The same commentator, who in one place declares his adherence to the opinion that the Iliad and Odyssee are by different authors, and adduces evidence in its support from their pervading diversity of character, (an hypothesis which evidently presumes a substantial integrity of composition as regards each separate work,) will in another be found no less warmly maintaining the system which pronounces each to be the production of a legion of poets and epochs.

Here, the great variety of character observable in different portions of the same poem is adduced as evidence of its atomic origin; and a few pages afterwards, by a sudden wheel in the argument, the spurious origin of a particular passage is discovered in its repugnance, whether as to matter or style, to the general constancy and unity of Homeric genius by which the remainder of the text is pervaded. How often are the same properties, which in theory are so strenuously insisted on as necessary to establish either the unity of the poet's person or the integrity of his muse, advanced, when practically exemplified in his text, as evidence of artifice inconsistent with the genius of his age! Here, the wonderful ingenuity of the plot of the Iliad, and the nice combination of its parts, is declared incompatible with the rudeness of the age to which tradition assigns its origin; there, the laxities and incongruities of its structure form a chief argument of the once independent character of its component elements.

In no case indeed is this want of the solid basis of principle so essential to all sound discussion more remarkable than in the one to which our attention is now more immediately directed; the argument of primitive disconnexion of parts, derived from real or imputed anomalies of matter of fact. In many quarters, the simple detection of a given amount of such blemishes seems to be considered as a virtual triumph of the ingenuity of the critic over the personal unity of the poet. And yet it is certain that no criterion can be more fallacious. It can require no very profound analysis of many a standard production of historical ages, which it were absurd to doubt is the sole and genuine work of the author whose name it bears, to convince every intelligent student of general literature, that the greatest poets, even of ages of the most precise and fastidious refinement, are as little exempt as the rudest popular minstrel from the error and inconsistency common to human nature, and consequently that the anomalies here under consideration may be the result of oversight, of the contempt of genius for petty details, or even (as will be seen in the sequel) of wilful intention, on the part of a single author, as well as of a primary uncongeniality of component elements. It is plain therefore, that before their existence in a work of genius can form the basis of any critical

inference, it must first be established upon some equitable principle, what portion of them in any given case may reasonably be assigned to the one, and what to the other, of the two above-mentioned classes of causes. And here the question naturally offers itself, whether the Iliad and Odyssee are to be regarded in this particular as subject to the same law as any similar work of historical times, or to a by-law applicable to themselves alone. The decision which spontaneously suggests itself to the impartial arbiter is, that the same rule ought to be made absolute for all. This decision however, though fundamentally correct, may yet be liable to reasonable exception. Assuming that such laxity of structure in any case may originate in various causes, if there be, in one case more than in another, reason to suspect the influence of a particular one, we may certainly be more justified in looking to it for the larger share of the common effect than where no such ground of suspicion exists. This would be the case with regard to Homer, assuming the external or historical arguments in favour of either the atomic or the patchwork theories to be as strong as it was once the custom to consider them. If however it be admitted, as it now seems very universally to be, that the circumstance of his poems having been handed down, from the remotest period to which we can trace their existence, in their actual integrity as the works of a single author, added to that outward and general unity of character which no one pretends to deny them, places them on the same footing in this respect with others relative to which our knowledge is derived from more direct historical sources, and consequently that the internal evidences are the best or only valid weapon in the present state of the controversy,—this exception falls to the ground. But if, on the other hand, it can be shown by certain criteria, founded on the same class of internal proof, that the anomalies in question are, in at least a very large proportion of cases, of such a nature as cannot reasonably be accounted for otherwise than by reference to the first or, as they may be called, *personal* class of causes,—we are in some measure precluded by that fundamental rule of all sound criticism, that "every author is his own best interpreter," from seeking to explain others where the same criteria may not be so immediately applicable, upon

any other more subtle or arbitrary principle. That this criterion is supplied by the text of the Iliad and Odyssee it will be the object of the ensuing pages to show. These remarks, together with the illustrations by which they will be followed up, apply in a great measure as well to the commentaries of those who, even among the defenders of Homer's individual personality, attempt to fasten the stigma of interpolation on particular passages on the ground of similar incongruity, as to the more sweeping conclusions of the advocates of opposite views. Such indeed is the extent to which this prurient zeal for restoring or purging has lately been carried in influential quarters, that it may perhaps be a question whether the genuine integrity of the poet's text be not exposed to greater risk from the caresses of this class of friends, than from the bitterest assaults of its enemies.

First however a few words of sober earnest respecting the Æneid. It may perhaps appear that the critical point of the foregoing analysis of its text loses much of its sharpness, by reference to the fact, that this poem is itself an unfinished work, acknowledged not to have received the last revisal of its author. That this were an over-fastidious objection a very little consideration will convince. In the first place, it can scarcely be doubted that the Æneid, in respect to its inner mechanical structure, whatever may be the case with its ornamental surface, was left in a state very little short of the perfection aimed at by its author; nor if any such work had ever been brought to its present consistency, without the incongruities just cited having been observed and corrected, can we suppose it could ever have been destined to undergo so extensive an alteration as would have imparted to it a greater degree of harmony than either Iliad or Odyssee display. Many of these anomalies are indeed of such a nature, that if they did not strike their author at the time the portion of the text in which they occur was composed, they could scarcely have been noticed by him afterwards. The same traditions indeed that record the unfinished state of the poem, also assure us of the time and the pains it had cost its author to bring it into that in which we now admire it,—that nothing but the last polish was wanting,—and that several of its most important subdivisions, especially the 2nd, 4th and 6th books,

where some of the most notable incongruities are observable, had been recited with the highest applause before the most formidable audience of the age. Indeed we are much inclined to doubt whether the value of the poem would necessarily have been enhanced by any more sedulous application of the rule and compass to its irregularities. We fully agree with the commentators of Virgil in the apologies offered for such of them as may have attracted their attention; we admit that it were unfair to demand from the poet, whose office is to satisfy the imagination rather than the judgment, the scrupulous accuracy of the historian; and that the author of any such voluminous poem condensing a great variety of traditions drawn from an equal variety of sources, is entitled to receive indulgence for many inconsistencies, which, overlooked by himself, may present themselves in very glaring colours to the eye of fastidious criticism. It is only to be regretted that the same just and lenient rule, which applies so much more pointedly to the case of Homer, had not been extended to his works; and great indeed must have been the force of that sceptical ardour, which could blind the eyes of so sagacious a person as Heyne to the strange manner in which his treatment of the Iliad derogates from the law so judiciously laid down by himself in his commentary on the Æneid. But in whatever point of view this question may be considered, here we have at least a distinct historical case, where a work undertaken and executed upon an integral plan, by a single poet of first-rate talent and taste, is yet found to be replete with self-contradiction and anomaly, at least equal to any that can be pointed out in either Iliad or Odyssee. Admitting then all that can be urged of the unfinished state of the Æneid, what right have we to infer that either of the two Greek poems, assuming them to have been composed each in their substantial integrity by a single author, had enjoyed the benefit of a higher polish, or more accurate amalgamation of their diversified materials? If Virgil wanted time, leisure, or industry for that purpose, Homer, in addition, for aught we know, to one or all of these drawbacks, wanted also the technical and critical aids which the Augustan age so richly supplied. If the anomalies above pointed out in the first part of the Æneid were not such as to attract the attention or mo-

dify the applause of an Augustus or a Mecænas, can it reasonably be supposed that the audience assembled in the hall of a patriarchal Hellenic chief would have been shocked by a similar negligence on the part of their minstrel? The defects therefore of the Æneid, even when thus explained and palliated, would but tend to place it on an equal footing with its two great prototypes as the objects of any such comparative analysis of the mechanism of their composition. Had our selection fallen on a poem acknowledged to have been worked up to the last degree of perfection which the artifice of the most elegant author of the most enlightened age of literature was capable of imparting, might it not then more justly have been said that the comparison with the rude effusions of the primitive bard was made upon unequal terms? Let it not however be supposed that our choice was dictated by any other than the simple consideration that the Æneid is the most popular and familiar standard of epic excellence in civilized ages. It were a tedious as well as an ungrateful task to carry the same species of analysis throughout the library of epic literature. But if such a test were required, we would undertake to extract a greater or lesser amount of precisely the same kind of blemishes from the works of several, not only of the most illustrious epic and tragic poets, but of the most elegant prose historians of later times.

As preliminary to our inquiry into the special sources to which these peculiarities, as exhibited in the Iliad or Odyssee, may reasonably be traced, it will be convenient to form to ourselves some clear idea of the utmost extent to which they are observable in the structure of either poem. For this purpose we shall select an example generally admitted to be the most obstinate and intractable, even by the warmest defenders of the original integrity. It occurs in the chronology of the expedition of Telemachus to Pylos and Sparta, as compared with that of the voyage of Ulysses from Calypso's island home*. Telemachus starts on the evening of the second day from the opening of the poem, with the apparent intention of being absent not more than ten or twelve days. He arrives

* This case is too familiar to every student of the Odyssee to require that we should specifically refer to all the passages on which our statement of it rests.

at Pylos on the morning of the third, and at Sparta the evening of the fifth, where we leave him on the morning of the sixth, to attend to the affairs of Ithaca. In his last conversation with Menelaus on that morning he is pressed to remain ten or twelve days at Sparta, which he declines, adding that he would willingly spend a year there, but that his companions whom he had left at Pylos were already impatient for his return. In the next book we take up the history of Ulysses, and Hermes is despatched to the island of Calypso, on the same day, it may be presumed, at the soonest, on which we parted from Telemachus. The hero's raft is ready on the fourth day after the delivery of Jove's order, the tenth from the commencement of the poem. He sails seventeen days, and on the eighteenth his vessel is destroyed by Neptune. After being tossed two whole days, he reaches the island of Scheria on the third. He remains there three whole days, and on the morning of the fourth is landed on his native island, the twenty-fifth since his departure from Ogygia, and the thirty-fifth from the opening of the Odyssee. Now Telemachus does not reach Ithaca on his return till the day after his father, the thirty-sixth from the commencement of the poem, and the thirty-fifth since his own departure. Hence he must have been absent about three times the period he had originally contemplated. We left him at Sparta on the sixth day; add three for his journey home, and deduct the nine from the whole thirty-six, and we shall find that he had remained twenty-seven days with Menelaus, more than double the time proposed by that hero and refused by himself; and had consequently kept his companions, described as very naturally anxious for his return, together with his borrowed ship, lying off the coast of Pylos nearly a whole lunar month. Here, therefore, as no reasonable mode suggests itself of accounting for his change of plans, we have a very extensive and palpable discordance, the most important, certainly, which the text of either poem supplies, and which has therefore been very plausibly adduced by the advocates of the primitive independence of these two portions of the Odyssee, the journey of Telemachus, and the personal adventures of Ulysses, as triumphant evidence in favour of their views.

Here, then, it is that a question occurs of no small moment,

as affecting both this and other similar discordances; whether they be less compatible with the genius of an original poet, ranging with all the freedom of a lively imagination over an extensive and varied subject, than with the cautious artifice of a conspiracy of bookmakers? Let us take the matter up on the footing in which the modern school most fondly contemplate it. When we consider the ingenuity,—and generally speaking, it must be allowed, the wonderful success—of the efforts of the so-called diasceuasts, to bring into harmony the heterogeneous elements of this once disorderly chaos of materials; when we consider the pains they must have been at, not only to soften down so many lesser discordances, but to intersperse, arrange and connect, by means of mutual references at proper intervals, so many petty incidents of no vital importance to the main narrative, so many trivialities of circumstantial detail,—is it likely, is it possible, first, that they would have overlooked so gross an error as twenty-seven days in the chronology of their narrative, an error which could hardly fail to strike even the most superficial reader, gifted with common sense and moderate penetration; or, secondly, that having observed it, they should not have been willing and able to apply the same arts elsewhere so successfully exercised to its correction? We think the appeal might very safely be made to the candour of any intelligent advocate of either the atomic or the patchwork theory, whether, supposing himself a member of either fraternity of diasceuasts, and that he had charged himself with the redaction of these two principal elements of an intended Odyssee, whether his first care would not have been to smooth down so glaring an anomaly, —in a case too where a comparatively slight alteration would have been sufficient for the purpose? The functions indeed of these supposed compilers were, to all essential purposes, in as far as regards mechanical structure, equivalent to those of the original author,—their production to an original work; as much as an elegant piece of modern Roman architecture, the columns, cornices and mouldings of which have been collected and arranged by a Vignola or a Fontana from the remains of ancient buildings, is the work of those artists; and it were as reasonable to excuse in their case the juxtaposition of an Ionic and a Corinthian capital in the same series, on the plea of in-

congruity in the materials at hand, as to defend, on a similar plea, any such discrepancies as that above examined on the part of the architect of the Odyssee.

This indeed is a consideration which appears to us to vitiate in their very sources many of the leading objections that have been advanced on this score. Take for example the one founded on the introduction of warriors severely wounded on one day, fresh and vigorous for the combat on the next,—an anomaly which may be considered as the stronghold of this head of argument as affecting the Iliad. When first our attention was directed to the subject, we ourselves were, we confess, disposed to attach some importance to this point; but a deeper and more enlarged study of the poem has convinced us (on grounds which to state at length would exceed our present limits) that this is a license inherent in the spirit of the Homeric epos, and as inseparable from the subordinate parts into which it is proposed to subdivide the poem in their individual as in their collective capacity. But setting this aside, were such license, we again inquire, more consistent with the cautious artifice of the bookmaker, than with the freedom of original genius in the management of a subject, which, whatever its basis of reality, worked on a purely mythological mechanism? And is it credible, that a compiler of such tact and taste as those to whom the composition of the Iliad and Odyssee has been ascribed, would have ventured, without any precedent in the actual practice of the epic art, thus arbitrarily to introduce into what he intended to offer to his public as its noblest production, a novelty calculated to shock both their judgment and their taste, not only, as we are now told, by its extravagance, but by its departure from authorized observance? Still more serious does this dilemma become in the case of those who, with M. Müller, ascribe the redaction of the poems, not to the grammatical ingenuity of a later and more civilized age, but to the yet living genius of the primitive unlettered Hellenic minstrelsy. For if, at the period when the spirit of the genuine Homeric epos was still alive, we find such anomalies formally sanctioned by its leading professors, is it not fair to conclude that they were previously authorized by the established courtesy of the art itself? According to Wolff himself, followed by a respectable train of

disciples, the Patroclea, or twenty-third book, formed part of a supplement, conceived and executed in this spirit, to an already existing Iliad, complete and perfect in the first eighteen books,—a view which, by reference to the state in which Agamemnon, Diomed, Ulysses, are there presented to us, as compared with their history as interwoven with the previous text, necessarily involves such a conclusion. The more subtle, indeed, the artifice of the sceptical party, the more open does it lie to this objection. That persons qualified, as Hermann and M. Müller would persuade us, to dissect, purge, replenish, curtail, and finally readjust the fragments of original matter, out of which they suppose the Iliad, like a piece of mosaic work, to have been formed, so as to present so delicate a semblance of unity in trifling matters, should yet have been willing to leave such "gross discrepancies" in more essential points, were surely an improbability still more striking, than that these blunders should be, as Longinus long ago saw, *παροράματα*, on the part of the same great genius, *δι ἀμέλειαν εἰκῇ που καὶ ὡς ἔτυχεν ὑπὸ μεγαλοφυΐας ἀνεπιστάτως παρενηνεγμένα.—De Subl.*, Sect. xxiii.

Before resuming the general thread of our subject, we cannot refrain from noticing a very curious exemplification which here presents itself, of the lubricity above pointed out, as characterizing the critical dialectics of this school of criticism. Heyne, in his commentary on the Iliad, has undertaken a very elaborate analysis of the chronology of its action, without being able, as he admits, to discover any such discordance as could fairly be adduced in evidence of previous independence of parts. The inference, then, is in so far favourable to original unity of authorship? Far from it! "Such subtilty is incompatible with the free genius of the primitive bard, and betrays the artifice of the grammarian." (The same grammarian who in the Odyssee has been such a simpleton as to miss a whole month in his reckoning!) But had Heyne been able to detect, amid the turmoil of the poet's babbles, a day or two unaccounted for, will any one believe that he would have reckoned them in favour of the integrity of his person? Most certainly would they have been held up as proofs of the bungling of the diasceuast. Accordingly, in the sequel he observes, that although the reckoning itself is correct enough,

more events are in various instances accumulated than could reasonably have been accomplished in the space allotted to them*. This surely is a redeeming clause on the side of primitive artlessness against critical subtilty? Not a whit. "The grammarian has only hampered himself by over-sedulity in consolidating his discordant materials." This is a species of double-edged logic which nothing can resist, and places the original genius of the Iliad as much at the mercy of those who employ it with such boldness and dexterity, as the lamb at the fountain was at the mercy of the wolf in the fable,—do what he will, he must be in the wrong. If the waters are muddled, it is his fault that they are not clear; if the waters are clear, it is not his fault that they are not muddled. The fact noticed by Heyne, that while no one critic has been able to discover any palpable discordance in the chronology of the poem, scarcely any two have been able to agree as to the exact number of days comprehended in its action, and that their opinions actually fluctuate between forty and fifty-three days, seems in itself to be powerful evidence that the truth lies in a just medium between his own two extremes of opinion; and that while such general accuracy is as incompatible with a previous confusion of materials, as the want of definite precision with the artifice of the bookmaker, the combination of these two features displays the unaffected artlessness of nature and spontaneous inspiration.

With respect then to this real chronological incongruity in the narrative of the Odyssee, we are obviously in a dilemma, since whichever way we turn a curious anomaly presents itself. In pursuance of our inquiry, whether it may not admit of a less arbitrary solution than has elsewhere been resorted to, we now pass on to some remarks on a characteristic feature of the genius of Homer, a right estimate of which is indispensable to all sound views, either of the history or the spirit of his works.

* Excursus I. ad Il. ε. Conf. Exc. ad Æn. xii., above cited in our remarks on Virgil. It were indeed difficult to find better proof of the truth of what we said above, relative to the different and partial standard by which Homer is judged, as compared with other poets, than the facility with which this most subtle and voluminous commentator of both works overlooks, or, where he has observed them, explains away, often by the most farfetched apologies, in the case of the Æneid, blunders which, in the case of the Iliad, would have led to the most fatal conclusions.

It is an old but golden remark*, that as mediocrity is the inevitable lot of even faultless equability, anomaly is a no less invariable characteristic of the higher order of genius in every department of human art. Among the modes in which this feature displays itself, not the least frequent is a haughty disregard of the lesser details of graphic or exegetic propriety, more especially where their observance is calculated to interfere with the nobler attributes of imaginative composition. Those who have made the works even of Raphael, the most perfect of modern artists, an object of critical study, must have observed instances in which rigid truth or nature has been violated in the details of those compositions where the general effect is the grandest and completest. Here a shadow or a sunbeam has been made to fall on points which, on strictly optical principles, it never could have reached; there a figure, filling up a certain space in the grouping of the background, will be found larger or smaller, more or less distinct, than the strict laws of perspective admit. These improprieties can never be attributed to ignorance of his art, seldom to carelessness or haste; but more frequently, perhaps, are knowingly introduced for the attainment of a certain effect, which, however conducive to the perfection of the whole, was incompatible with the just proportions of some of the parts of the composition. Hence the superficial admirer, in most cases, fails to observe them; the discerning critic appreciates and excuses them on the same principles that the great master did not disdain to admit them; the fastidious caviler denounces them as gross blunders, or as alterations of unskilful scholars or restorers. In Greek art these irregularities are still more frequently observable; as, for instance, in those, to our notions, almost puerile violations of the laws of perspective, which, if we may be allowed to judge from extant remains, must have characterized many even of the nobler works of ancient painting and sculpture, and which can scarcely be accounted for from incapacity in an age which produced an Euclid or an Archimedes, and in the face of the deep knowledge of drawing and anatomy displayed in

* Longin. de Subl. sect. xxiii. *Ἐγὼ δ' οἶδα μὲν ὡς αἱ ὑπερβολαὶ μεγέθους ἥκιστα καθαραί—τὸ γὰρ ἐν παντὶ ἀκριβὲς κίνδυνος σμικρότητος—ἐν δὲ τοῖς μεγέθεσιν, ὥσπερ ἐν τοῖς ἄγαν πλούτοις, εἶναί τι χρῆ καὶ παρολιγωρούμενον.*

its productions at large. That these anomalies were very frequently wilful there is here also much reason to believe; but, besides this, the scope towards which the efforts of Greek design, as of Greek poetry, were directed, was the portraiture of action, passion and feeling, human and divine, —the representation of the human person in the noblest forms of ideal beauty and the most harmonious groups; and geometrical precision in the adjustment of the lines of the building or the landscape which supplied the framework of the composition, seems to have been considered a task more worthy of the plodding mechanic than the inspired artist. The illustrations of this phenomenon supplied by the poetical art are no less numerous and varied; and although those which our limits permit of our offering must be confined to the page of the two great giants of the regular epochs among the ancients, Homer and Virgil, they will yet, we trust, be more than sufficient for our purpose.

Considered in their abstract capacity, these anomalies cannot be defended; the picture, the relief, or the poem might, in each case, have been more perfect had it combined with all its higher attributes of excellence a more scrupulous regard for accuracy in circumstantial details; and the sons of the grammarians may therefore in so far be justified in lamenting that Homer or Virgil should have fallen short of so many other poets of inferior rank in the mechanical finishing of their works. It is however to be remembered, on the other hand, that, had it been otherwise, they would neither have been Homer nor Virgil, nor should we have had either an Iliad, an Odyssee, or an Æneid. The trite rule that perfection is not the lot of humanity here becomes not only applicable but pointed. Human genius in the imaginative arts, like the human character or countenance, in order to be rightly estimated, must be judged in the mass, not in the details. Our limited knowledge of either the moral or the physical mechanism of the creation enables us to perceive the fact, although not to assign the cause, why so many things in the visible works of nature which, considered in themselves, we pronounce palpable defects, may yet be so indissolubly connected with no less signal excellences, that the one could not exist without the other. A combination of apparently perfect

parts does not always exhibit to the eye a perfect whole. How often do we see a human countenance, in the individual features of which, or in their relative proportion to each other, we find it difficult to point out any actual defect, but where we equally fail to be struck with any beauty! On the other hand, we are often led, on beholding a handsome countenance combining certain irregularities of feature, to imagine that, by slightly varying some of its lines, by supplying a little length or fullness in one part, or diminishing a little in another, perfection would be the result; but, could our improvements be carried into effect, we should probably be ready to admit how vastly inferior the work of "nature's journeymen" was to her own. And, doubtless, the same secret blending of good and evil is as essential to aggregate excellence in the works of human genius as in those of nature.

This principle was seen and correctly appreciated, as regards the poetical art, by both Aristotle and Longinus. Among the various classes of anomaly which it involves, that to which our attention is here more especially directed has been comprehended by the former critic under the head of poetical *ἄλογον*, or *ἄτοπον*, or *μίμησις τοῦ ἀδυνάτου**. In the abstract, he observes, such licenses cannot be defended; but if they tend to heighten the effect of the whole composition, he considers them, more especially in the epopee, as deserving of excuse or even of approbation†. For his exemplifications of this rule recourse has been had more particularly, as was to be expected, to Homer; and one of those selected will fall to be noticed in the sequel. And nowhere perhaps is the art of the poet more conspicuous than in this very faculty of making even anomalies and incongruities of detail contribute to the general effect of his narrative. Every scene or adventure is so worked up by the accumulation of accessory circumstances as to produce its full impression; often however, as we shall see, the accessories accumulated in one case are at variance with statements contained in another; yet even

* Poet. capp. xxv. xxvi. Edit. Bipont.

† *Πρῶτον μὲν γὰρ τὰ πρὸς αὐτὴν τὴν τέχνην εἰ ἀδύνατα πεποίηται, ἡμάρτηται· ἀλλ' ὀρθῶς ἔχει εἰ τυγχάνει τοῦ τέλους τοῦ αὐτῆς. Τὸ γὰρ τέλος εἴρηται, εἰ οὕτως ἐκπληκτικώτερον ἢ αὐτὸ, ἢ ἄλλο ποιεῖ μέρος.* c. xxvi.

this discordance is so managed as rarely to shock or offend the taste, although it may be repugnant to the understanding of those who study his works solely or chiefly on asthetic principles. Hence it will be found that it has rarely excited much attention, still less given rise to sceptical theories in any such quarter, but only with the more subtle and sophistical dissectors of his text; and, indeed, of all the fallacies by which this controversy has been distinguished, we know of none so great as this systematic mode, lately so much in vogue, of picking little holes and flaws in the historical or mechanical consistency of the poems, while all the grander features of their moral and poetical connexion are overlooked; a species of ordeal against which no epic production, conceived on the plan of an Iliad or Odyssee, even if indited by the pen of Calliope herself, could ever stand for a moment.

Here, however, the question naturally presents itself, Where is the criterion by reference to which we propose to assign the incongruities of the text of Homer to this cause, rather than to that to which recourse has been had in other quarters, apart from the argument based on these general principles and the analogy of other cases to which appeal has been made? This criterion, we answer, is supplied, partly by the internal structure of the poems themselves, partly by the text of those commentators in which the opposite views have been most warmly promulgated. The anomalies in question occur, it must be remarked, not only between the more comprehensive and, as regards subject or space, disconnected heads of the narrative, but also in its lesser subdivisions, and in many cases so closely interwoven with the minutest fibres of the text as to be essential to the very pith and substance of its historical, or even of its syntactical connexion. Now, it will also be observed, that those cases on which stress has been laid by the advocates of primitive non-integrity, have been derived solely or chiefly, as was to be expected, from the former class; while those of the latter have either been overlooked, or noticed as mere curiosities or eccentricities of the poet or poets from whom the separate portions are supposed to emanate. But upon what ground, one naturally asks, can so great and fatal importance be assigned to discordances occurring at wide intervals—and consequently in

cases where oversight or forgetfulness were the more easily to be expected or excused, which does not equally attach to similar irregularities in contiguous parts, which their very nature must render more self-obvious both to the author and to his readers? The only apparent answer is, that while the one class supplied arguments possessing a certain outward show of plausibility in favour of the sceptical theories, the same inference, if extended to the other class, would go the length of utterly annihilating the textual integrity even of the supposed separate atoms or elements, cutting them up into such a chaos of shreds and patches as would have been found impracticable materials for the exercise even of the creative art of the compiling grammarian. Here, then, we have an inconsistency on the part of the critic little short of those he detects in his author, and which we shall avoid by the more logical conclusion, that the same peculiarities occurring throughout the same work, in the same or similar forms and colours, must, upon every principle of sound criticism, be attributed to the same source, a corresponding anomaly in the practice of the same author.

The examples which we now proceed to quote, and which will be derived solely or chiefly from the second of the two classes above specified, will be found still further to subdivide themselves under the following heads: first, those wherein we discover the object of the poet, amid a disregard, perhaps even at the expense of a wilful violation, of probability or truth, to produce either a certain poetical effect, or to obtain a wider field for the full development of the ornamental or imaginative resources of his art; secondly, those which may be pronounced altogether unintentional and involuntary, the result of the natural contempt of genius for the fastidious adjustment of petty details. The usual courtesy in such cases would require that precedence should here be given to the text of the Iliad. We shall however venture, in the present instance, to reverse this order, partly because the example already laid down as a sort of basis or pivot of our analysis has been selected from the Odyssee, partly because this arrangement appeared in itself most conducive to general perspicuity in the treatment of our subject.

Even the most inveterate opponents of the original integrity

of the poem do not, we believe, deny, that the opening rhapsodies, descriptive of the voyage of Telemachus to Peloponnesus, are the production of the same author. The young hero announces his intention in a public assembly of the states, or rather of the whole male population of Ithaca, and asks a vessel of the suitors, which is insolently refused (β. 208, *sqq.* 252, *sqq.*). He afterwards borrows one from a friend called Nocmon, (*ibid.* 386,) which he mans with a select body of Ithacesian youth. He then takes a formal leave of the suitors, acquainting them with his having procured the desired passage to Pylos, and they again turn his project into ridicule (*ibid.* 318, *sqq.*). He next communicates his intention to an old confidential servant, the housekeeper of the palace, who was previously ignorant of it, (349, *sqq.*) and who expresses the utmost surprise and consternation at the news; he bids her however prepare stores for his voyage; and in order to spare his mother the pain and anxiety which he knew his expedition would cause her, he binds the old woman to secrecy until his return, or until ten or twelve days should have elapsed since his departure. Now let us consider what a tissue of anomalies we have here. In the first place, can anything be more inconsistent than the conduct of Telemachus in formally apprising the suitors who had just before discountenanced his voyage, and to whom he knew it was so unpalatable, of the arrangements he had made to carry it into effect in despite of them, (*ibid.* 316,) telling them plainly at the same time that its object was to effect their own destruction? It is in fact little better than an invitation to them to frustrate his plans, or even to arrest his person. In the next place, it is not very credible that a project thus proclaimed far and wide, in the market-place, and among the inmates of the palace-hall, a project so novel, so sudden, so adventurous on the part of the young prince, such as must have been the topic of engrossing interest among all classes of society, and which had already, like every other topic, become matter of jest and scurrility with the suitors, should have remained a total secret to the housekeeper of the palace, until announced to her by her young master in person. Admitting, however, the possibility of such a thing during the half-day that elapsed between the publicity given to his plan and his interview with Euryclæa,

is it conceivable that Telemachus, after the pains he had been at to make the matter public, after having proclaimed it in the forum, after having, without any vow of secrecy, manned his vessel with twenty young citizens, whose friends therefore must have been privy to the affair, should yet have been such a simpleton as to suppose, that the mere precaution of swearing in an old housekeeper to silence would ensure his departure remaining a mystery to so anxious a mother during the first twelve days, or even the first twelve hours of his absence; amid all the circumstances under which she was placed, amid the incessant gossiping and impertinence of which she herself and her concerns were the principal butt on the part of the suitors—their adherents—and her own faithless damsels, their paramours? Upon the critical principles authorised by modern pyrrhonism in such cases, it is clear that neither the passage where Telemachus takes leave of the suitors, nor that where he swears in Euryclæa, could be by the author of the council-scene, or of the previous account of the prince's conduct. The text, however, was too impracticable, and the anomaly has been overlooked. In the sequel the case becomes worse. During several days, not only Penelope, but the suitors themselves, are represented as totally ignorant of the prince's departure, until Nocmon, (δ. 630,) surprised at the length of his absence and in want of his vessel, applies to them for information as to the probable period of his return, in the very natural confidence that they must be privy to the expedition. The suitors, however, are as much astonished as if they had never heard a syllable of the matter, and reply with great *naïveté* that they had no suspicion of his having undertaken the voyage, but supposed he was in the country. This supposition might have been excusable in an ordinary case, since it was not to be expected that a party so remarkable for levity should trouble themselves much about either the presence or the absence of their young landlord. But after the pains he had been at to convince them by his demeanor, both in public and private, during the whole of one day, that he was about to set out for Pylos on the next,—a journey pregnant, as they observe, with such danger to themselves,—and amid the general publicity of the fact, it is a little too much to believe, that observing him absent during the best part of the

ensuing week, they should never have suspected the real caus but should assume in tacit simplicity that he was gone for few days to look after his farm! We know that the mode, o rather the place, in which these subsequent details are intro duced, has not escaped sceptical animadversion; but it ha never, we believe, been doubted, nor indeed can their interna evidence admit of a reasonable doubt, that they were originall designed as a continuous, and in so far a consistent sequel-o the previous domestic occurrences in the court of Ithaca which places the matter as regards our present argument o the same footing on which we here take it up. All this ano maly becomes the more striking, when we reflect how easil it might have been avoided. The young hero might hav been made, preserving silence in public as to his project, firs to sound the suitors as to the possibility of his obtainin their sanction to his voyage; on discovering their adver intentions, he might have said no more about it for the pre sent, but affecting to abandon his scheme, and to be reall going into the country for a week, he might then have bor rowed the vessel, and taken his other measures in secret: an thus both the exaction of the oath from Euryclsea, and th subsequent ignorance of the suitors and of his mother, woul have been both natural and probable.

The question then occurs, How can Homer be justified either in his integral capacity as author of the whole Odyssee or as the poet of this particular portion of it, in so strange disregard of rational probability? The answer which, in th twofold capacity of admirers and equitable judges, we make t this question is, first, that in perusing the poem neither hav we, nor we believe has any other unprejudiced reader, eve been offended by any of the particulars of his delinquency 2ndly, that conformably to the just rights and liberties of th poetical profession he has offered no serious ground of offence and that the more precise and subtle mode of managemen above suggested would probably have been less conducive t the perfection of his epopee than that which he has preferred The young prince's declaration of his intention in the public assembly, together with his request of a ship, so contemptuously treated by the suitors, forms an interesting crisis of the spirited debate on that occasion, and affords the poet oppor-

tunity for adding some lively touches to his picture of that combination of levity, depravity and insolence which forms their admirably well-drawn character. Their subsequent forgetfulness and indifference to so important a matter, of which they had been so formally warned, supplies besides an equally valuable illustration of one of the most skilfully-drawn but least-understood characters of the poem, that of Telemachus; who is represented with equal art as an ingenuous but quiet and passive youth, not really deficient in either courage or good sense, but from diffidence of his own powers, or of the means of success, incapable hitherto of venturing on any bold step for the assertion of his rights, and looking forward with anxiety for his father's return as the only hope of deliverance from present calamity. Hence the ridicule and contempt with which the suitors treat his proposal, which they consider but as an innocent bravado, and their amazement (on hearing of his having actually carried it into effect) that one whose energies they had hitherto so lightly esteemed should suddenly venture on so bold a measure, are all valuable elements of the ethic spirit of the Odyssee. That the publicity given to the prince's expedition was incompatible with the ignorance on the part of the servants or others most interested in it, is a point which cannot fairly enter into the present question. It is a fundamental principle of the heroic epopee, as of the tragic muse of later times, largely exemplified throughout both Iliad and Odyssee, that none but the leading personages shall be entitled to intermeddle further with the great interests at stake, or to know either more or less concerning them, than suits the poet's convenience. Hence in the Attic drama, by an exaggeration of this privilege, all the more important secrets of the plot are entrusted to a chorus, usually composed of females of the middle class, representing consequently the most loquacious and least trustworthy portion of the community; and on our own stage, under the rubric "aside," remarks are made within a few yards of the person from whom they are meant to be kept secret, in a voice that would better suit the commander of a battalion; and to these partial inconsistencies the Greek audience in their day submitted, as our own do at the present, in consideration of certain advantages which could hardly

have been obtained but at their expense. By a precise similar species of licence then it is presumed, in the prese case, that the public, in the vulgar sense of the word, are n privileged to interfere. The suitors, as we have seen, were t light-headed to think further on the subject, and thus the po has obtained an opening for introducing several interestin and even pathetic scenes of a domestic nature, first betwee Telemachus and his affectionate old nurse, and afterwards b tween Euryclæa and Penelope, when the truth is at last r vealed to her. This crisis is brought about through th medium of Nocmon, who is in some degree a principal in th transaction, and who, apparently a discreet and reserve person (as his name denotes), had hitherto remained in th background, until, induced by the pressure of his own affair he applies to the suitors for information; and thus the matte by the regular and proper epic agency, becomes too notorio either for them or the queen to remain any longer in th dark.

This example may lead us to form a just estimate of th sceptical objections based on the circumstance that person are frequently introduced in one portion of the poem, igno rant of or indifferent to matters with which, upon rigidl historical principles, they ought to be familiar through th medium of what passed in another. This courtesy of th epic art applies not merely to ignorance, but to knowledge, which will also be found in numerous cases to exist, as to b wanting, at the discretion of the poet. For example, o landing on the island of Circe, Ulysses sends a party, headed by his lieutenant Eurylochus, to explore the country. O their arrival at the dwelling of the sorceress, she appears a the door (*κ.* 230, *sqq.*) and invites them to partake of her hospitality. All enter with the exception of the leader, who suspected treachery. The party within are forthwith converted into hogs. Eurylochus remains a long while awaiting their reappearance, but in vain; he then returns in great distress and reports them missing to his chief. Ulysses determines himself to go in quest of them, and orders Eurylochus to act as his guide, who, not yet recovered from his alarm, positively refuses. The hero proceeds alone—defeats the arts of the sorceress—and returns to the vessel to bring up the rest of

the crew to her palace. On his arrival the men surround him, full of joy at his reappearance, and of eagerness to learn the fate of their companions. He tells them drily to put their equipage in order and come themselves to see and partake of the good cheer enjoyed by their comrades. Upon this Eurylochus (κ. 431, *sq.*) interposes, and strongly dissuades them from obedience, assuring them that the goddess will only convert them into swine. Here then Eurylochus is suddenly inspired with a knowledge of the previous fate of his own detachment, which no part of the text authorizes us to suppose he could have possessed by natural means. He had not seen what happened; the terror displayed on his return is obviously but the foreboding of some mysterious evil; nor, had he been privy to the real cause of his men's disappearance, could he ever have limited his report of it to the simple announcement that they were not forthcoming. This knowledge therefore has all the appearance of being the result of an afterthought of the poet, as immediately instrumental to the introduction of the lively scene that followed, and affording opportunity for a few graphic touches of the character, not only of Ulysses, but of Eurylochus, a personage of some importance among the second-rate actors, as being the most influential and at the same time the most seditious of the hero's crew, and the ringleader in the fatal mutiny off the island of Thrinacia, which was the ultimate cause of his own and their destruction, and of the subsequent calamities of his master. How this knowledge was acquired the poet has left to our own ingenuity to discover. The context here as before excludes any sceptical inference, which at a greater interval between the two passages would have been irresistible.

A parallel case occurs in the concluding book of the poem. How, it has been asked, could the ghosts of the suitors be better acquainted with the particulars of what passed on earth after their own death, than that of Agamemnon to whom they relate them? Because it was essential to the spirit of the dialogue. We do not here, in any way, prejudge the reasonable question as to the genuine character of that episode; whether by Homer or no, it is in this respect conceived in the true spirit of the Homeric epos, and equally exemplifies the principle to which our attention is now directed.

Another case, which, owing to a somewhat more favourable arrangement of the text, has afforded a readier handle to casuistry, occurs in the variations made by Ulysses in the details of the fictitious narrative with which, in his disguise of beggar or wanderer, he successively entertains Eumæus, the suitors and Penelope. This series of examples is the more interesting, as illustrating not only the species of conventional knowledge or ignorance here under review, but the genius of the hero, and the general spirit of comic humour which runs through the whole action of the Odyssee. A most prominent feature of the shrewd and versatile character of Ulysses is his ready talent for fiction. Throughout his perilous vicissitudes, wherever disguise or dissimulation is necessary, he has always a new and plausible account of his life and adventures instantaneously at his command, adapted to the circumstances in which he is placed or the dress he has assumed. Nay, so inherent in his disposition is this species of innocent fibbing, whether from natural turn or from long habit, that it is even resorted to in cases where little or not at all necessary. When, for example, Alcinous chides his daughter for want of breeding in not having at once conducted the stranger to the palace, after having administered to his more urgent necessities, Ulysses, without a moment's hesitation, assures him that she had pressed him to accompany her, but that he, from modesty and fear of involving her in trouble, had loitered behind (*η*. 298, *sqq.*). The fact, as previously narrated (*ρ*. 255, *sqq.*), is precisely the reverse, since the hero, no way disinclined to her escort, had postponed his entry into the city by her special order. His reply then merely conveys, without any reference to truth or falsehood, what appeared to him at the moment best calculated to get his fair benefactress out of a scrape; and must, in order to be appreciated, be taken in connexion with the spirit* not

* The misapprehension of this spirit is a fatal stumbling-block in the path of many an otherwise profound and judicious commentator. For example, Nitzsch's subtle inquiries into the reason *why* Alcinous, on so short an acquaintance, makes the indirect proposal of his daughter in marriage to Ulysses, a total stranger, or *why* the Phæacian crew should have deposited and left the hero fast asleep on his native island, with other similar ζητήσεις, are but so many proofs how little this otherwise ingenious critic has apprehended the more delicate features of the genius of the Odyssee.—*Vide Erklär. Anmerk. ad η*. v. 311, *sqq.*, and *Plan ii. Gang der Odyssee, p.* x. *sq. ibid., vol.* ii.

merely of jest, but of satire, which pervades both the poet's description and the hero's manner throughout his intercourse with this light-headed and fantastical race, to whose good offices he is so much indebted.

Still more replete with comic humour is the scene with Minerva, who appears to him in the disguise of a shepherd boy on his first awakening from the slumber, under the influence of which the giddy Phæacian crew had deposited him on his native coast (*ν*. 228, *sqq.*). Totally ignorant where he is, he accosts the stranger, and asks the name of the country. The answer is: The island of Ithaca; followed up by a description of its local features. He is almost beside himself for joy; but suddenly collecting himself, and repressing the slightest outward demonstration of pleasure, he gravely replies that he had heard of such an island in his own native land of Crete, but had never supposed himself destined to visit it, and then enters on a fictitious narrative of his previous life and adventures, and of the cause and mode of his transport from his own country to this strange island. His patroness hears him patiently to an end, and then discovering herself, banters him in a series of lively compliments on his unrivalled talent for dissimulation and intrigue.

On reaching the hut of Eumæus a much longer and more varied series of fiction is required to sustain his new character of mendicant, and amuse and interest his host (*ξ*. 199, *sqq.*). Little or nothing of his previous matter-of-fact is retained but his Cretan origin, and certain exploits in the Trojan war, while the chief addition consists in a predatory voyage to Egypt, with various other peregrinations and disasters in Libya, Phenicia and Epirus.

In the hall of the suitors this account is again partly adhered to, partly varied (*ρ*. 419, *sqq.*). His captivity in Egypt still forms the basis of the narrative, but his escape is effected to Cyprus instead of Phenicia, and by different means. The further prosecution of his story is here checked by the brutal assault of Antinous.

Penelope on the other hand, in his midnight interview with her, is favoured with a slightly different version of the Cretan story as formerly told to Minerva (*τ*. 172, *sqq.*). On this occasion, instead of the natural son of one Castor, he has the

boldness to announce himself a brother of king Idomeneus, under the very appropriate title of Aithon.

And this spirited series of fictions, combining in their integrity all the essential features of the genius of the poem, its hero, its author, or even of the Greek nation, replete in their details with every characteristic excellence of the Homeric epos, from the sublime to the burlesque—from the martial terrors of the Iliad to the comic jest of the Odyssee—has been denounced by the fastidious hypercriticism of the modern school as interpolation and patchwork, on account of the very feature in which a principal part of their value consists, viz. that they contradict each other! That it was improbable, forsooth, the beggar should address such conflicting stories to the separate inmates of the household, because by communicating among themselves they might have discovered the fraud! Had the poet been dull and material enough from any such considerations to obtrude, time after time, the same monotonous tale upon his audience, he would indeed as little have merited the praise which Aristotle bestows on his talent of varying and adorning his fiction, as his hero the similar commendation on the part of his patron goddess.

That this spirit of ready pretext is inherent in the genius, not only of Ulysses, but of the Odyssee, or at least of the family of the hero, appears from another example supplied by Telemachus. While still an inmate in the palace of Menelaus, he is warned by Pallas in a dream to return home forthwith; that his mother had at last consented to espouse Eurymachus, and that his presence is urgently required to look after his own interests. The next morning, when Menelaus inquires the cause of his sudden haste, instead of explaining his real motive, which his pious host would perfectly have appreciated, he answers simply (*o.* 86, *sqq.*) that he had left his goods under indifferent management at his departure, and is afraid his longer absence may expose them to damage or robbery. The interest which an allusion to his vision, his mother, &c. would naturally have excited, could only have involved delay. He therefore seizes the first pretext that offers, as the speediest means of effecting his escape.

The previous examples have been selected almost exclusively with reference to the specific point, of which the first

that occurred suggested a further illustration. We shall now adduce a few of a more general character, where the structure of the text still more effectually excludes any sceptical inference.

Ulysses, after escaping from Polyphemus, pushes off his vessel *as far from the shore as a man's voice could be heard,* (ι. 473,) and then triumphantly taunts his baffled enemy. The giant in return hurls a fragment of rock in the direction of the vessel, which narrowly escapes destruction. The hero, nothing daunted, after taking the precaution this second time to gain a distance from the shore *double that at which he was* on occasion of his first address (ι. 491), again gives vent to his reproaches, to which Polyphemus again replies. The question then is, how could this second harangue reach the ears of the giant, if uttered at twice as great a distance as a man's voice could be heard?

In the account of the arrival and reception of Ulysses in the island of Scheria, we have a most curious succession of petty but glaring discordances, which, owing to the impracticability of the context, and the consequent hopelessness of any solution on the principles of the Wolffian school, has not we believe offered matter of offence to any of its disciples. In the first place, the poet and his hero between them are guilty of making the sun set at least twice in one day. Ulysses in his narrative to Arete (η. 289) says, that on awakening from his slumber in the bush *just after the sun had gone down,* he descried Nausicaa with her maidens playing on the beach. The poet however, in his own previous account of the same events (τ. 321), informs us that the sun set on that same evening just before the party arrived at the grove of Minerva near the gate of the city, several hours after it had disappeared according to his hero, allowing a reasonable time for the journey and other intermediate transactions. Aristarchus, it is true, has attempted to smooth down this difficulty—very arbitrarily in our opinion, as well as very unnecessarily,—by changing δύσετο in η. 289 into δείλετο, a term foreign to the vocabulary of Homer and of Hellas. But even this remedy were inadequate to the disease; for in the sequel we have a virtual contradiction of both statements. Although Ulysses, according to the poet's own version of the affair, does not pro-

ceed from the sanctuary to the city until after another considerable interval, consequently until complete darkness must have covered the land, yet the whole account of his entry implies that it must have taken place in broad daylight. Independently of the general tenor of the description, attention may be directed to the circumstances that Minerva (η. 15) was obliged to cover her favourite with a cloud to preserve him from the impertinence of the flippant populace, and that he himself was able to take the minutest survey of all the objects that presented themselves to him on his walk,—of the position and extent of the port and the arsenal, the city walls and public buildings, of the external ornaments of the palace, and the fruit-trees, flower-pots, &c. in the gardens of the king. The mode in which this tissue of incongruities is interwoven with the nicest fibres of the text is not only such as to exclude the possibilty of a λύσις, but amounts in itself to a literary curiosity; since the very same sentence which describes the hero as gazing with wonder and admiration at the infinitely varied and brilliant objects which adorned the exterior of the royal residence, introduces him into the banqueting hall, where he finds the guests engaged in the customary libations before retiring to bed:

> αὐτὰρ ἐπειδὴ πάντα ἑῷ θηήσατο θυμῷ,
> καρπαλίμως ὑπὲρ οὐδὸν ἐβήσατο δώματος εἴσω,
> εὗρε δὲ Φαιήκων ἡγήτορας ἠδὲ μέδοντας,
> σπένδεντας δεπάεσσιν ἐϋσκόπῳ Ἀργειφόντῃ,
> ᾧ πυμάτῳ σπεύδεσκον ὅτε μνησαίατο κοίτου. (η. 134.)

Let us now return for a moment to the more serious chronological discrepancy from which we originally set out, and consider how far it may be explained by reference to the same twofold element of the poet's genius, a carelessness of historical minutiæ, or a readiness to sacrifice them to general poetical effect. Homer had undertaken in the Odyssee to interweave the adventures of Telemachus with those of Ulysses, in the relation to each other of principal subject and episode. Telemachus is first sent to Pylos and Sparta. The circumstances under which his voyage takes place, the state in which he left his mother and household, required that it should be speedily performed, or at least that he should set out with the intention

of using expedition; and this intention is adhered to up to the moment when we leave him, to attend to the affairs of his father. Here a different mode of management was required. Either in deference to the traditions relative to the hero's distant wanderings, or from the poet's own desire to magnify their wonder and mystery, nearly a lunar month is devoted to his adventures between Calypso's isle and his native land. On resuming the affairs of Telemachus therefore, either a tacit anomaly was necessary, or the previous order and spirit of his adventures must have been varied to bring them into harmony, in regard to time, with those of his father. This alternative it seems, either from oversight or indifference, did not occur to the poet,—*ἢ λάθετ' ἢ οὐκ ἐνόησεν*,—and he has left the matter as it stood, leaving us to explain it as we best may. It may be remarked however, that although there is discordance, there is here no positive self-contradiction. The inconsistency results merely from the reliance we are led to place, naturally enough no doubt, on the previously expressed intention of Telemachus to return speedily, and on the assumption that this intention was unalterable. The case after all is not more glaring than that of the midnight battle in the Æneid, interrupted by the rising sun; and as it was easy, as Heyne observes on the passage, to figure to ourselves the defeat of the Rutuli at nightfall, and subsequent separation and repose of the contending armies, it is equally easy to imagine in the present case, that Menelaus had found means in the interval to persuade his guest to remain with him three weeks instead of three days. The narrative of the visit, as resumed in B. xv., implies indeed this alteration of his plan. Neither the remonstrances of Pallas at his long delay, nor her statement, (which, though false, seemed true to the prince,) relative to the extensive change in his domestic affairs, appear compatible with an adherence to his original intention of remaining but a week or ten days absent from home. And this suggests another addition to our catalogue of the anomalies of this unimportant kind, so precisely similar in spirit, and so vitally interwoven with the historical pith of the narrative, as to be inexplicable upon any other principle than as reflections of a corresponding anomaly in the genius of the poet. Telemachus after his vision must be assumed to hurry homewards, as in

fact he does, with impetuous haste, under the full impression that his mother was about to be married to Eurymachus, and that his own interests in the island were in a critical state; and yet on his arrival he seems to have completely forgotten the whole matter. Not a single allusion is made to any expected change, no surprise is expressed that the goddess had deceived him. Without a single question put to Eumæus or any other friend, every thing is tacitly assumed on his debarcation to be in exactly the same state as when he left home. The speech of Pallas is therefore a mere piece of incidental mechanism, introduced, like so many others, to serve a momentary purpose and produce a momentary effect, and then laid aside and forgotten, as no longer essential to the conduct of the principal action.

It will be observed, in further illustration of the chronological discrepancy above considered, that the computation of time throughout the Odyssee, amid the greater variety of events and localities, has no pretensions to that regular and progressive accuracy, which, owing to the opposite character of the action, is observable in the Iliad; and discordances of a similar, though less obvious, nature will be found in other cases, where the structure of the text still more effectually excludes any arbitrary inference. Telemachus, as we have seen, starts from Ithaca with the declared intention of visiting both Pylos and Sparta. The voyage to the former place was half a day: the journey from the one to the other two days. Allowing but one day for his visit to each, his whole course to and fro could not possibly have occupied less than seven days, making no allowance for accidents or unfavourable weather. And yet Noemon, who ought better than any one else to have been aware of its necessary duration, appears before the suitors on what, according to the chronological order of the narrative, was the fourth day, and expresses impatience on account of his continued absence.

On the night after the arrival of Ulysses, the party at the dwelling of Eumæus are sent to bed with the usual formalities (ξ. 523). That same night we return with Minerva to the affairs of Telemachus, who, warned by the goddess in a dream, starts from Sparta the next morning, and, after a journey of two whole days and a voyage of one night, lands on the

coast of Ithaca. There we leave him, and rejoin the party in the hut, whom we find at dinner on the day after that on which they had been sent to bed (*o.* 301). They again retire to rest, and we again return to Telemachus, who, leaving his vessel, walks up from the shore and joins Ulysses at breakfast in the hut,—on the *third* day after that hero's arrival in the island according to the portion of the text devoted to his own adventures; but on the *fourth* according to that devoted to those of his son. The reckoning stands as follows:

	Ulysses.	*Telemachus.*
In the hut	1st night	1st night, at Sparta.
	2nd night	2nd night, at Pheræ.
	— —	3rd night, at sea.
	3rd night	4th night, in the hut.

The accuracy of this table, as regards Telemachus, is clearly borne out by the description of his course*; as regards Ulysses, in whose case the computation of the actual narrative is not so distinct, it is further confirmed by *ρ.* 515.

Throughout the poem we are told that Ulysses returned home on the tenth year after the fall of Troy, the twentieth after his own departure; but the chronology of his separate vicissitudes will hardly bear out this statement. He describes himself as having been detained seven years in the island of Calypso (*η.* 261); add one year for his residence with Circe (*κ.* 467), and about seven months, which we collect from the ninth to the twelfth books inclusive, the result does not exceed eight years and seven months; so that, even assuming him not to have left Troy until the commencement of the eleventh year after his departure for the siege, his re-

* Nitzsh (Erklärende Anmerkungen, Band ii., p. 53.,) would here evade the incongruity, by assuming that Minerva appeared in vision to Telemachus on the very morning of her interview with his father [v. *in fine*] in the case of the nymphs. This would be out of Scylla into Charybdis; and as we above found the poet making the sun set several times on the same evening, here we should have him making it rise twice on the same morning. Every unprejudiced reader must see that Pallas parted from the father in broad daylight, or at least after morning was far advanced; and it is distinctly stated (*o.* 49, *sq.*) that her subsequent appearance to the son was during the darkness of the night. The efforts of this ingenious critic, here as elsewhere, to strain consistency out of even the palpable anomalies of Homer, are more likely to injure than to serve the good cause he advocates. The original genius of Homer, to be asserted aright, must be taken up on higher and bolder grounds.

turn would have taken place in the nineteenth year from that epoch, and the ninth from the fall of the city.

As introductory to the examples we are about to cite from the Iliad, we must be indulged in a few remarks on one of its characteristic features, which does not seem to have received in other quarters the attention it deserves, as bearing either on our present argument, or on the general question relative to the origin and composition of the poem. Nowhere perhaps are the internal evidences, which the analysis of the parts of the poem supplies, of the primitive integrity of the whole more forcible than in the commencement. Not to mention those of a more obvious nature, such as the prophecies and allusions to future occurrences, which are far too numerous and too explicit to have been introduced without some intention of following them out to their fulfilment, our notice is especially attracted to the multiplicity and variety of the incidents by which the first book of the poem is distinguished from the sequel. Within these six hundred verses are condensed a series of occurrences calculated, whether in respect to their number or importance, to have furnished matter for several rhapsodies of equal length, according to the scale on which Homer is accustomed to work up his materials when once fairly embarked on his poetical voyage. As the events succeed each other, so the scene shifts from place to place, with a rapidity of which we have scarcely any example elsewhere; and the descriptions, though graphic and perspicuous, are unusually concise and abridged. The arrival of Chryses in the camp, his address to the assembled host, without even the customary notice of a council having been called, or on what other public occasion it was delivered, the refusal of his request by the commander-in-chief, together with the unanimous acknowledgment of its justice by the troops, his departure and prayer to his god, the descent of Apollo from Olympus, the nine days' ravages of his arrows, with the funeral rites of the victims, are run over in about fifty lines. The dispute between the two chiefs, as the basis of the whole Iliad, and in deference to its great poetical capabilities, is treated more at large; yet even here the orations, though second to none in powerful effect, are far from copious. Nestor himself is less wordy than usual. Then

follow in quick succession the shipment of Chryseis for her home, the purification of the host, the visit of Agamemnon's heralds to the quarters of Achilles, the interview of that hero with his mother, and the supplementary details which he gives of the late sack of Thebes, and of the capture of the heroine whose ransom had been attended by such fatal circumstances. A change of scene then transports us with the vessel of Ulysses to Chrysa, where are described the restoration of the damsel to her father, and the propitiatory sacrifices of the Greeks to Apollo. Another change of scene brings us back to Achilles, and a third conducts us to Olympus, where we have the promised interview between Thetis and Jove, and some further insight into the division of interests among the deities relative to the great events that were preparing on earth. The period of time comprised within this single book (twenty-four days) is more than the quadruple of that devoted to the ensuing twenty-two. In this accumulation of incident we discover, not so much the result of artful purpose, as the spontaneous impulse of a genius pregnant with a mighty subject, and a rich variety of resources for amplifying and adorning it, to obtain, by laying down at the outset a solid basis of explanatory fact, a freer and wider field for the excursions of his descriptive powers in the sequel, and to rivet the attention and stimulate the interest of his reader, by immersing him at once into the full stream of his narrative.

The evidences of this busy mixture of comprehensiveness and conciseness, which marks an introductory canto, are no less discernible to the eye of analytic criticism in the style than in the matter of this book. To follow these out in detail would, however, lead us too far from our immediate subject; but even in the second and third books, the same, though fainter, indications of the preparatory stages of a long narrative are observable in a similar accumulation of preliminary materials, even at the expense of historical order or consistency,—a licence in which we discover the first examples of serious anomaly that present themselves in the Iliad, and which may therefore be classed among those above characterized as the result of purpose rather than neglect or oversight. Consider, for example, the advice of Nestor to Aga-

memnon (β. 360, *sqq.*) to marshal his troops in regular order, under their respective leaders. The conclusion to which this address would naturally lead, if taken apart from the general context, would be, either that it must have been spoken previous to the first regular engagement between the two armies, or that the Greeks had been in the habit, during the first nine years, of engaging the enemy pell-mell, without order or discipline. Here then were a most plausible opening for the imputation of patchwork, were it not for the evidence which the whole previous and subsequent text supplies, that the dialogue took place in the ninth year of the war, and after the quarrel between the chiefs; even if these two facts were not alluded to plainly enough by the old hero, his recommendation therefore, carried into effect by Agamemnon in the immediate sequel, is merely an incidental piece of poetical mechanism, resorted to, like others of a parallel description examined in the Odyssee, for a momentary purpose; and, besides supplying a lively touch to the portrait of the old hero, it serves as an appropriate introduction to the ensuing catalogue of the host.

In the injunction of Iris to Priam to arm his tooops, obviously designed as a similar introduction to the Trojan catalogue, we have another petty violation of fact of a still more glaring nature, where Polites, a son of the old king, sent out to reconnoitre, and whose person the goddess assumes, is made to assert that, although he had been in many an engagement, he had never yet seen so numerous a host as that which was then advancing (β. 798, *sqq.*). Now, it is certain that he must have known the Greek army to have been much smaller than before, since, setting aside the losses suffered in previous battles and in the late pestilence, it was diminished by the whole amount of Achilles' force.

That the measures of the Trojans, during the former part of the war, were confined to self-defence, is an element of historical fact, of which Homer, whether invented by himself or transmitted by others, has poetically availed himself to enhance the glory of his hero, by attributing this backwardness on the part of the enemy to their terror of his prowess, which, during the first nine years, had prevented them from ever venturing much beyond the walls of the city,

in order to be able, in case of defeat, to take refuge within them (ι. 352). All the previous engagements, therefore, must have taken place immediately beneath or around them; and yet Priam and the other Trojan elders on the tower are represented, in the dialogue of the third book, as having never yet had an opportunity of becoming familiar with the persons of their enemies, and have recourse to Helen (who herself had not seen them for near twenty years) for a description of their persons, as seen at a great distance across the plain. It may be said that such observations were far less easily made during the heat of a battle, though raging under their very eyes, than in the comparative tranquillity of even a distant conference: yet Priam in the last great battle, at the very moment when his routed troops were hurrying into the city, is described as recognising at once the person of Achilles (χ. 25, *sq.*), who, having been absent on the former occasion, had not been described by Helen. Besides, the whole discourse of the old king with his daughter-in-law, especially his admiration of the numbers and appearance of the Greeks, for the same reason assigned in the previous case of his son Polites, is obviously much better adapted to a first view of their host than to a nine years' acquaintance with it. Here, then, we again discover the design of the poet to avail himself, even at the expense of historical consistency, of an opportunity of interspersing throughout the opening scenes of the poem certain descriptive details of his heroes. Every plausible objection of a sceptical nature is here excluded by the evidence which the whole tenor of the conversation, as well as the whole preceding and subsequent context supply, that it took place not only during a late period of the war (γ. 157), but during the absence of Achilles from the field*, and by

* This simple fact—the absence of the leading hero alone from the field during three days' battle, and sixteen whole books of the poem, while all the other chiefs, sometimes in the front, sometimes in the flank or rear, are always exhibited in a state of activity,—offers indeed a consideration which, in every reasonable quarter, must be considered as vitiating every attack that has been made on the primitive integrity of this whole series of military rhapsodies. The hypothesis of a careful cutting out, by the diasceuasts, where necessary, of all the passages allusive to the hero's presence, and of an insertion of the numerous incidental allusions which actually occur to his absence,—an hypothesis which W. Müller plainly inculcates, and which the arguments of those who entertain the same views necessarily involve,—is surely an extravagance only calculated to excite wonder how it could ever have been entertained by any intelligent critic.

consequence that, chronologically speaking, at least the episode is in its right place.

To the same twofold object, of enhancing the glory of his hero and augmenting the historical accessories of his poem, may be traced another and still more flagrant inconsistency. During the nine years previous to the quarrel of the chiefs, the camp and fleet of the Greeks are represented as having remained unprotected by any species of entrenchment, on an open coast in the midst of a hostile country, on the same poetical pretext that the terror of Achilles was a safeguard against all hostile aggression (*ι*, 348, *sqq.*). The historical insufficiency of this pretext is almost too obvious to require to be pointed out, since, had every one of the 100,000 men that composed the host been an Achilles, or even a Hercules, their united valour would have been unavailing before the enterprise of a few daring peasants, armed with a tinder-box and favoured by a dark night, a dry summer and a scirocco wind. But setting this aside, we are frequently told that Achilles was occasionally absent for months together, by sea and land, ravaging the country and besieging the towns of the Troad and of the distant Asiatic allies. Why then, it may be asked, did the Trojans not avail themselves of these opportunities of attacking the enemy in their quarters, and setting fire to their camp and fleet, thus deprived of their best and only effectual bulwark? The account, therefore, of the construction of the rampart belongs *historically* to the first year of the war, yet the details of every portion of the poem, negative or affirmative, so incontestably prove its *poetical* connexion with the secession of Achilles in the tenth, as absolutely to exclude every species of sceptical inference. And serious as the inconsistency may be in an historical point of view, the poetical effect of the poet's mode of management leaves us no room to wish that it should have been otherwise; nor are we aware that it has ever excited the spleen of the critics. That a camp containing an Achilles should require no artificial defence, was essential to the heroic grandeur of his character. The construction of the rampart, on the other hand, besides being a fresh tribute to his glory, was necessary to the future conduct of the poem, to relieve the monotony of a series of field engagements, and give variety and richness to the martial vicissitudes of the action.

The knowledge which the Trojans are assumed to possess of the quarrel of the chiefs, the secession of Achilles, and other transactions in the Greek camp, is altogether conventional. The text contains not a hint at the time or manner in which it was obtained, or at the consequent change of councils and tactics on their own side. In these petty details the more precise and methodical spirit of the modern epos would have found rich materials for episode. We should have had Trojan spies or treacherous Greeks sending notice to the city; a council would have been held to take the important news into consideration, and a debate would have ensued, ending in a determination to abandon the previous timid plan of defence, and boldly to face the enemy in the field. Homer probably saw no very great poetical capabilities in these particulars, and therefore, tacitly requesting his readers to take them for granted, introduces the Trojans as quite familiar with all that had happened, boldly marching out into the plain, instead of skulking, as before, under the city walls; and even Priam, in his dialogue with Helen, while obviously aware that the principal hero was not present, neither makes any remark on his absence, nor shows the slightest knowledge of its cause.

When, in the seventh book, Apollo and Minerva consult as to the propriety of putting an end to the day's battle by a single combat between Hector and Ajax, and agree that Hector shall be the challenger, Helenus the soothsayer, inspired as the medium of influencing his brother to fulfil their wishes, encourages him to the adventure by an assurance that he had overheard the deities stipulate for his coming forth unscathed from the engagement (*η*. 44, *sqq*.). Not a syllable, however, occurs of any such condition in their actual conversation. The intelligent critic will not fail to observe the close congeniality of spirit between these cases and the previous examples of conventional knowledge and ignorance cited from the Odyssee.

Nor indeed can anything be more incongruous, than that the Greeks, after the treacherous conduct of the Trojans on that very morning, should here be represented as complacently accepting their renewed proposals for a truce, and again placing confidence in their oath, without the slightest notice of their late perjury. Yet here again every rational solution of

a sceptical nature is excluded, first, by the distinct allusions of both Hector and Antenor (η. 69, 351.) to their own late delinquency,—allusions so inseparably linked with the whole spirit, both syntactical and poetical, of the context, that no casuistry can get rid of them;—2ndly, by the absence of Achilles alone among the champions of the national cause. The previous case of single combat, like the visionary alarm of Minerva in the Odyssee, having served its purpose, is dismissed, and noways allowed to interfere with the subsequent conduct of the action.

When Achilles applies to his mother to interest Jupiter in his behalf, she answers that he must wait until the return of the god from Æthiopia, whither he had gone the day before with the *rest of the deities* (*a.* 423, *sqq.*). Yet we had just been told that, on that very morning, Pallas had been sent by Juno to check the fury of Achilles, and that, after having executed her commission, she rejoined the *rest of the deities* in Olympus (*a.* 222). Here we have a naked and palpable self-contradiction, which has yet been passed over, on account of the indissoluble connexion of the passages, by the most strenuous opponents of Homer's unity, as a mere oversight. But had they found these two opposite statements at an interval of several books,—1st, that Juno and Minerva interfered from Olympus in the quarrel of the chiefs; and 2ndly, that at the period of the same quarrel all the deities were absent in Æthiopia, and consequently unable to attend to the affairs of the Troad,—we should infallibly have been told that the discrepancy arose from a difference of authors.

On the night after the first great defeat of the Greeks it is said (κ. *initio*) that *all the other chiefs* slept soundly, with the exception of Agamemnon, kept awake by the anxiety of mind. Yet shortly after we are told that Menelaus (25, *sq.*) had passed an equally sleepless night from a similar cause. In the sequel of the first-quoted text it is said that Agamemnon's restless anxiety increased to despair when he looked across the plain, and beheld the fires, and heard the triumphant music of the Trojans; yet a few lines afterwards it is added, that, after deliberating some time what was to be done, he arose, dressed himself, and proceeded to the tent of Nestor. This incoherence has been noticed by Aristotle in a passage of the

Poetica (c. xxvi. ed. Bipont.), which is the more interesting from the circumstance that its author, who, like Homer, though seldom at fault in essentials, was frequently careless of details, has, by an oversight natural enough, instead of *ver.* 1. of Il. *κ.*, quoted as the basis of his remark the parallel formula from the commencement of Il. *β*. His text is as follows: *τὸ δὲ κατὰ μεταφορὰν εἴρηται, οἷον· "Ἄλλοι μέν ρα θεοί τε καὶ ἀνέρες Εὗδον παννύχιοι" ἅμα δέ φησιν· "Ἤτοι ὅτ' ἐμπεδιόν τὸ Τρωικὸν ἀθρήσειεν Αὐλῶν συρίγγων τ' ὅμαδον" τὸ γὰρ πάντες ἀντὶ τοῦ πολλοὶ κατὰ μεταφορὰν εἴρηται.* The *ἄλογον* here is twofold; 1st, the impossibility of Agamemnon looking across the Trojan plain while lying in bed in his tent (where it really exists); 2ndly, the impossibility of the Trojan host rejoicing around their bonfires if the whole human race were asleep,—the apology for which is that the whole signifies metaphorically the greater part. In the latter case, however, the *ἄλογον* is on the part of the critic, not of the poet.

If the arms of Achilles fitted Patroclus, how could the hero lament his inability to go forth to revenge the death of his friend for want of arms (*σ.* 192), since the arms of Patroclus, that were lying in his tent, would equally have fitted him? This inconsistency forms an indispensable ingredient of the historical essence of the narrative, and accordingly, palpable as it is, the over-subtle attempts of the ancient scholiasts to explain it away have been ridiculed by those very critics among the moderns who themselves are in the habit of adducing incongruities far more trifling as arguments in support of their own views, where the text happens to be more favourably constituted. The poetical value of the anomaly is as plain as in other previous cases. It was necessary to the plot of the poem that Patroclus should be slain in the arms of his chief; it was equally indispensable to the heroic grandeur of Achilles that his person should be represented as more colossal than that of the ordinary warriors of the host. But had the statement that Achilles, on account of his colossal size, could use the arms of no other hero but Ajax, incidentally occurred in some widely separate part of the poem, its repugnance to the previous adventure of Patroclus would doubtless have been turned to valuable account by the subtle advocates of the atomic doctrine.

In the last affecting scene in the palace-court of Priam, the old king is exhibited in the midst of his family, chiding his sons by name (ω. 249, *sqq.*) for their neglect of his comfort or his orders. In the immediate sequel, the royal sufferer, in his attempt to work on the feelings of Achilles, tells him (*v.* 493.) that every one of his male children had perished in the war, and that Hector, whom the hero himself had slain the day before, was the last whose loss he had to deplore. Such is the literal sense of the passages; and whether the anomaly be referable to oversight, to poetical hyperbole, or to whatever other cause, a more palpable self-contradiction can hardly be imagined. Yet here again the connexion and spirit of the context have preserved it against every species of sceptical attack*.

It were tedious to recapitulate the additional instances of Homeric anomaly which our researches could yet supply from the text of the Iliad. Enough has, we trust, been said to bear out our original position; that, as they can be shown by internal criteria, in at least a very large proportion of cases, to originate in a corresponding anomaly in the genius of a single poet, we are insofar precluded by that fundamental rule of all sound criticism, that "every author is his own best interpreter," from arbitrary attempts to explain those where the same criteria may not be so distinctly applicable, by reference to any more subtle or far-fetched principle. The striking similarity of the mode in which this anomaly displays itself throughout both poems, extending in various cases to the nicest features of peculiarity, may also perhaps be considered in impartial quarters as strong evidence of the substantial unity of the source to which we are indebted for the two standard productions of the epic muse of Hellas.

* The solution which might here perhaps suggest itself, that the old king in the latter passage refers by the epithet ἀρίστους only to his more valued offspring, is excluded by reference to the circumstance that Paris, Deiphobus, Helenus, the three still surviving children mentioned by name in the former, are invariably classed in every tradition, either of Homer or of the epic muse at large, as, after Hector, the most distinguished for talent or for virtue.

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